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Territory of Missouri } ss. Transcript No 53.
In the Superior Court. } of the Term of May 1811.

Wingfield Bullock }
vs. } Trespass on the Case damage $1000.
Morgan Byrne }

May Term 1811.

Pleas traversed & issue joined. Continued by Plaintiff.

October Term 1811.

Continued generally.

May Term 1812.

On motion of Mr. Pope for plaintiff, rule on Clerk of Common Pleas of the district of Cape Girardeau, to bring the original record on which this suit is founded. dedimus awarded to parties, and Case continued by plaintiff.

May Term 1813.

dedimus awarded to parties to take the depositions of witnesses.

October Term 1813.

And now at this day come the parties aforesaid by their attornies, and thereupon also comes a Jury, to wit, Edward Cheetham, John Cartman, Peter W. Lore, George A. Hamilton, Jesse Blackwell, Nicholas Wilson, William Hanford, Samuel Perry, Anthony Wilkson, John Perry junior, John McLean and John Watson, twelve good and lawful men who being duly elected, tried and sworn well and truly to try the several issues joined between the parties aforesaid and having heard the evidence adduced and the arguments of Councel retired to their room, to make up their verdict, from whence returning and having informed the Court that they could not agree, they were discharged by consent of parties.

dedimus awarded to take the depositions of witnesses. additional pleas filed by leave.

May Term 1814.

On motion of the defendant by his attorney rule on plaintiff to reply to the defendants additional plea, within two days from 4th May.

Plaintiffs replication to the defendants first plea, & demurrer to the second plea. Joinder in demurrer.

A true transcript of the entries in this case. J. V. Garnier Clk.

Territory of Missouri } Transcript
In the Superior Court } of the Term of May 1812. No 54.

Sally Hannah by Isaac }
Wooley her next friend } Petition or libel for a divorce
vs. }
Enos Hannah. } On reading & filing the petition of Sally Hannah by her next friend as aforesaid, and on motion of Mr. Easton attorney for petitioner, Summons awarded returnable at the [illegible] take the depositions of Robert Giboney and John B. Godair in the district of Cape Girardeau.

A true Transcript of the entries. J. V. Garnier Clk.

Territory of Missouri } Transcript
In the Superior Court } of the Term of October 1812. No 15.

[illegible] }
vs. } Covenant broken damage $2000.
Robert [illegible] }

October Term 1812.

On motion to set aside the bail bond. Motion overruled. The defendant by Easton his attorney pleads non infregit conventionem [illegible] payment, accord, satisfaction [illegible] and that the plaintiff did not [illegible] said defendant, during the said term according to the tenor and effect of the said covenant [illegible] sixty days, and [illegible] dollars [illegible] a judgment in favor of the defendant against the plaintiff before John [illegible] a Justice of the peace of the district of Cape Girardeau [illegible] Township. The plaintiff traverses the pleas of the defendant and joining issue:

Missouri for the County of Cape Girardeau.

May Term 1813.

Continued on the affidavit of plaintiff and at his costs. dedimus awarded to parties to take the depositions of witnesses.

October Term 1813.

Continued by consent.

May Term 1814.

On motion of the defendant by his attorney and on the affidavit in Court of Thomas W. Graves, It is ruled that the above named plaintiff file Security for costs on or before the sixtieth day next preceding the first day of the October Term of this court, and that he be served with a notice of this rule.

a true Transcript of entries. J. C. Garnier Clk.

In the Superior Court } Transcript
Territory of Missouri } Of the Terms of October 1813.
Aaron Griffin } Action of debt $ 400,-
vs.
Belamus Hayden. } damage - 600-

Pleas. Payment, release, accord & satisfaction and offset. Pleas traversed & issue joined. dedimus awarded to defendant & continued.

May Term 1814.

On the affidavit in Court of the defendant, and on motion of Mr. Scott dedimus awarded with interrogatories annexed.

a true Transcript of entries- J. C. Garnier Clk.

In the Superior Court
Jeremiah Elsberry } Of the Terms of May 1814.
vs.
Morgan Byrns } Judgment for want of a plea and writ of enquiry at the next term.

a true Transcript of entries-
J. C. Garnier Clk.

The Record of the Superior Court of the Territory of

Minutes of the Proceedings at the Superior Court of the Territory of Missouri held at the Court house in and for the County of Cape Girardeau, on the second monday of March (the thirteenth day of the month) in the year of our Lord one thousand eight hundred and fifteen, and of the Independence of the United States of America the thirty ninth.

Before the Honorable Silas Bent Esquire, and
the Honorable Alexander Stuart Esquire,
Judges of the said Court.

~~Jane Hannah by Isaac Mahy her next friend,~~
versus
Enos Hannah } on petition for a divorce.

It appearing to the Court that the defendant Enos Hannah is dead, the Petition therefore abates.

Jeremiah Ellsberry,
versus
Morgan Byrne. } action of Trespass on the Case.

as well the plaintiff by Charles Hempstead and Robert Wash his attornies, as the defendant by James Evans his attorney come, and the defendant moves to set aside the interlocutory Judgment, and the motion being argued, it is overruled by the Court.

Wingfield Bullock,
versus
Morgan Byrne. } action of Trespass on the Case.

as well the plaintiff by Nathaniel Pope his attorney, as the defendant by John Scott his attorney come, and the argument on the joinder in demurrer being heard, the Court sustains the demurrer to the defendant's second additional plea — On motion of plaintiff continued generally by consent of parties — On motion of plaintiff ordered that he may withdraw the deposition of Joseph Pricklin.

[illegible] Esquire comes & represents a Commission appointing him Circuit attorney within and for the Southern Circuit with the oath of office thereon endorsed, and he is thereupon admitted in this Court accordingly.

Henry Hand
versus
Robert Buckner. } action of Covenant broken.

as well the plaintiff by James Evans his attorney as the defendant by Nathaniel Pope his attorney comes and it appearing by the return of the Sheriff that a copy of the rules concerning costs heretofore made has been served on the plaintiff, and he having failed to file security for costs in due time, it is ordered that this suit be dismissed. Wherefore it is considered by the Court that the defendant do recover against the plaintiff his costs in this suit expended.

On motion of C. Hempstead Circuit Attorney It is ordered that the Sheriff do summon and cause to come here immediately [illegible] men to serve as grand Jurors.

Missouri for the County of Cape Girardeau.

Monday 13 March 1815

Aaron Griffin
versus
Belemus Hayden. } action of debt. 4.

As well the plaintiff by Robert Wash his attorney as the defendant by John Scott his attorney come and the defendant confesseth Judgment for the sum of three hundred and sixty four dollars thirty seven cents and five mills for debt, sixty dollars and seven cents for damages, with a reservation of equity. Therefore it is considered by the Court that the plaintiff do recover against the defendant the debt and damages as aforesaid confessed, and also his costs in this suit expended.

Mary Gaines by John M. Hinkson her next friends, 5.
versus
James Gaines. } On petition for a divorce.
Continued to next term.

Samuel D. Strother,
versus
Mary Strother. } On petition for a divorce. 6.
Continued to next term.

The Sheriff returns a panel of the Grand Jurors by him summoned to serve for the body of this County, and being called over they come as follows. Morgan Byrne foreman, Andrew Martin, Robert Buckner, Lewis Shelhouse, Thomas Hubble, Charles Hall, John Sheppard, Benjamin Shell, Michael Rodney, John Dunn, Jesse Hails, John Patterson, James Boyas, Richard Waller, Isaiah Lambert, and Samuel Pew, and are thereupon sworn diligently to inquire, and true presentment to make &c. and having heard the charge delivered by the Court they retire

Ordered that the Sheriffs return of the last adjournment of this Court be entered of record, which follows in these words— (Be it remembered that I John Hays Sheriff of the County of Cape Girardeau, did attend at the meeting house on the plantation of Thomas Bull within said County it being the place for holding the Court of Common Pleas in said County on the second monday in October 1814 and did there attend on tuesday, wednesday, thursday and friday then next following, and did then and there [illegible] County of Cape Girardeau from day to day the said Superior Court having failed to be then there held) and the said Superior Court not having met in that time I did adjourn the same to the next term of said Court the second monday in may next, to which time all causes there (therein) depending are continued according to the provisions of "a Bill entitled an act fixing the times and places of holding the Superior and inferior courts in this Territory and for other purposes" Given under my hand and seal at the meeting house on the plantation of Thomas Bull in the County of Cape Girardeau, Territory of Missouri on friday the fourteenth day of October 1814 and of the Independence of the United States of America the thirty ninth. John Hays Shff (Seal)

Edward Spear senior, James Beesley, William Breaken and Jacob Littleton come into Court, and are sworn to give evidence to the Grand Jury.

Monday 13 March 1815

United States of America,
versus
Hannah Glasscock.

Nancy Doyle and William Williams who have entered into recognizance to appear at this Court as witnesses for the United States against Hannah Glasscock, being now solemnly called fail to come.

United States of America,
versus
John Sicks.

Stephen Legate, William Dealwood, Caty Dealwood, Martha Dealwood, and James Hartle who have entered into recognizance to appear at this Court and give evidence in behalf of the United States against John Sicks, being now solemnly called fail to come.

Whereupon the Court adjourned till ten O'Clock Tomorrow Forenoon.

Test.
J. McFerron Clerk.

Silas Bent

Tuesday 14 March 1815

The Court met pursuant to adjournment
Present The Honble. Silas Bent Esqr. and
The Honble. Alexander Stuart Esqr. —
Judges.

Jeremiah Elsberry
Morgan Byrne.

The parties by their attornies come, and the interlocutory Judgment is opened by consent of parties — Plea filed and issue joined, and continued generally by consent of the parties.

Wingfield Bullock
versus
Morgan Byrne.

action of Trespass on the case

The parties by their attornies come, and on motion of plaintiff ordered that commissions may issue generally to take depositions in this suit.

Missouri for the County of Cape Girardeau

Tuesday 14 March 1815

The Grand Jurors come into Court and ~~present~~ return a bill of Indictment against Channah Glasscock for stealing and selling a free person "Not a true bill" and are thereupon discharged from further attendance.

Whereupon the Court adjourned to term in course

Test.
J. McFerron Clerk.

Israel Bent

The Record of the Superior Court of the Territory

Record of the decrees, Judgments, orders and Proceedings of the Superior Court of the Territory of Missouri, holden for the Southern Circuit at the Town of Jackson, in the County of Cape Girardeau, on the second Monday in April, the eighth day of the month, in the year of our Lord, one thousand eight hundred and sixteen, and of the Independence of the United States of America, the fortieth.

Before, the Honorable Silas Bent Esquire,
the Honorable Alexander Stuart Esquire,
and the Honorable John B. C. Lucas
Esquire, the Judges of the said
Superior Court.

Joseph McFerron, who hath been duly appointed Clerk of the Superior Court for the Southern Circuit of the Territory of Missouri came, and presented his commission, by his Excellency the Governor of said Territory, dated the ninth day of February last, together with his office bond, and William Neely, Robert Green and Samuel Dunn sureties therein, in the sum of three thousand dollars, with his oath of office endorsed on the back of the said bond, both dated the fifth day of March last. which bond and sureties being approved of by the Court, the said Joseph McFerron is thereupon admitted Clerk to this Court accordingly.

Whereupon the Superior Court adjourned to Ten O'Clock, tomorrow morning.

Test.
Joseph McFerron, Clerk.

Silas Bent

of Missouri, for the Southern Circuit.

Tuesday 9 April 1816. The Superior Court met at the Town of Jackson, at ten O'clock in the morning, pursuant to adjournment

Present, the Honorable Silas Bent Esquire
the Honorable Alexander Stuart Esquire
and the Honorable John B. C. Lucas
Esquire; Judges.

Abraham Byrd, senior,
versus
John Scott. } action of trespass on the case.

The plaintiff by William C. Carr his attorney, and the defendant by Edward Hempstead, and Nathaniel Pope his attornies came, and the demurrer joined to the plaintiff's amended declaration, and the causes therein set down being argued; the Court will advise of and upon the premises, before Judgment be given thereon.

Whereupon the Superior Court adjourned, to nine O'clock, tomorrow morning.

Test.
Joseph McFerron.
Clerk.

Silas Bent

Wednesday [illegible] April 1810. The Superior Court met at the Town of Jackson, at nine O'Clock in the morning, pursuant to adjournment.

Present: The Honorable Silas Bent Esquire,
The Honorable Alexander Stuart Esquire,
and the Honorable John B. C. Lucas Esquire; Judges.

Abraham Byrd senior
versus } action of Trespass on the case.
John Scott.

The parties by their attornies came and the Court being now sufficiently advised of and upon the premises, it seems that the amended declaration aforesaid is good in law; Therefore it is considered by the Court that the demurrer aforesaid be overruled, and that the defendant do plead to the merits.

Horace Austin who sues for the use of Daniel Bissell versus } on writ of Error
Henry Dodge.

The plaintiff by Edward Hempstead his attorney and the defendant by John Scott and Nathaniel Pope his attornies came, and the errors assigned between the parties being argued, the Court will advise of and concerning the premises before Judgment be given thereon.

Whereupon the Court adjourned until to-morrow at nine O'Clock, tomorrow morning.

Silas Bent

Test.
[illegible] Clk.

Territory of Missouri, for the Southern Circuit.

Thursday 11 April 1816. The Superior Court, met at the Town of Jackson, at half after nine O'clock in the morning, pursuant to adjournment.

Present. the Honorable Silas Bent Esquire,
the Honorable Alexander Stuart Esquire,
and the Honorable John B. C. Lucas Esquire; Judges.

Abraham Byrd senior,
versus
John Scott. } action of Trespass on the Case.

The parties by their attornies came, and issue being joined herein, a Jury came, as follows, - to wit 1, Robert English - 2, Thomas Morgan - 3, Charnal Glasscock - 4, William Fengate - 5, James Wilson, 6 John Martin - 7, david Holley - 8, John Shaw - 9, Johns Waters - 10, Samuel Bev - 11, Hugh Creswell, and 12, William Mathews, who being elected, tried, and sworn, and having heard the evidence, do say upon their oath "We of the Jury find for the plaintiff one thousand one hundred fifty three dollars, and fifty nine cents in damages" Therefore it is considered by the Court, that, the plaintiff do recover against the defendant his damages aforesaid by the Jury in form aforesaid found, and also his costs in this suit expended &c.

John [illegible] who was summoned to serve as a Juror, having been solemnly called [illegible] made default, and sufficient cause being shewn by the oath of William Mathews, now therefore it is considered by the Court that he be excused of his default aforesaid

William Fengate who was summoned and sworn to serve as a Juror, having absented him self without leave, an attachment is awarded against him, and being brought here in custody of the Sheriff, and shewing no sufficient cause on oath, Therefore it is considered by the Court that the said William Fengate do pay a fine of three dollars for the use of the Territory of Missouri, by reason of the contempt aforesaid, and also costs, and that execution may be issued for the same.

Frederick Bates, for the use of the United States of America — versus — } action of Covenant.
Henry dodge, Nicholas Wilson and Alexander Craighead.

It appearing that the writ in this cause is made returnable to a wrong day, Therefore it is considered by the Court, that the same be quashed.

Frederick Bates for the use of the United States of America — versus — } action of Covenant.
Henry dodge Esquire.

It appearing that the writ in this cause, is made returnable to a wrong day, Therefore it is considered by the Court, that the same be quashed.

John Waters and others Heirs and legal representatives of Thomas W. Waters deceased,
versus —
Robert English. } Trespass in Ejectment.

It appearing that the writ in this cause is made returnable to a wrong day, Therefore it is considered by the Court that the same be quashed.

The Sheriff of the County of Cape Girardeau is commanded to summon twenty four good and lawful men of his County qualified by law, to serve as Grand Jurors, before this Court, on monday next, the fifteenth day of the present month, at ten o'clock in the morning.

The Sheriff is commanded that he do summon a Traverse Jury to attend here on To-morrow, at ten O'Clock in the morning.

Whereupon the Superior Court adjourned, to ten O'Clock Tomorrow morning.

Attest.
Joseph McFerron, Clerk.

Silas Bent

of Missouri, for the Southern Circuit.

Friday 12 April 1816. The Superior Court met, at the Town of Jackson, at Ten O'Clock in the morning, pursuant to adjournment.

Present. The Honorable Silas Bent Esquire, the Honorable Alexander Stuart Esquire, and the Honorable John B. C. Lucas Esquire, Judges.

Wingfield Bullock,
versus } Action of Trespass on the case
Morgan Byrne,

The parties by their attornies came, and thereupon came a Jury, to wit. 1, George F. Bollinger 2, Edward Riddle 3, Lesle Haile 4, Joseph Neely 5, Edward Haile 6 Thomas W. Boice 7, Henry Hand 8, James Loza 9, William Daugherty 10, Daniel Stout 11, Enos Randol, and 12, Gilbert Hector, who being elected, tried and sworn, and having heard the evidence, do say upon their oaths, "We of the Jury find for the plaintiff eight hundred fifty three dollars and eighty seven cents in damages" Therefore it is considered by the Court, that the plaintiff do recover against the defendant his damages aforesaid by the Jurors in form aforesaid found, and also his costs in this suit expended &c.

Whereupon the Superior Court adjourned to nine O'Clock, tomorrow morning.

Test.
Joseph McFerron Clerk

Silas Bent

The Record of the Superior Court of the Territory

Saturday 13 April 1816. The Superior Court met at the Town of Jackson, at nine O'clock in the morning, pursuant to adjournment.

Present. the Honorable Silas Bent Esquire, and
the Honorable Alexander Stuart Esquire, Judges.

Whereupon the Superior Court adjourned to Ten O'clock, in the morning, on Monday next, the fifteenth day of the present month.

Test.
Joseph McFerron,
Clerk.

Silas Bent

of Missouri, for the Southern Circuit.

Monday 15 April 1816. The Superior Court, met at the Town of Jackson, at Ten O'clock in the morning pursuant to adjournment.

Present. The Honorable Silas Bent Esquire,
The Honorable Alexander Stuart Esquire,
and, the Honorable John B. C. Lucas Esquire;
Judges.

The Sheriff of the county of Cape Girardeau, as he was commanded, returned here the names of twenty four men by him summoned, to serve as Grand Jurors; who being called over, those following came, to wit: 1, Robert Green, who is appointed foreman of the Grand Jury, by the Court 2 Peter Crites 3. Solomon Bollinger 4, George Miller 5, Isaac Lee 6, John Deck 7, William Gray 8, James Mc Faddin 9, Robert A. Logan 10, William Johnson 11, William Street 12, Thomas Bull 13, John S. Miller 14, William Hand 15, Radford Ellis 16, Michael Mouser 17, Charnal Glasscock 18, Samuel Pew 19, John Dunn 20, Isaac Williams 21, Francis Clark 22, Morris Young, and, 23 John Lorenz, who being empannelled, were thereupon all sworn, except John Lorenz who was solemnly affirmed, for the body of the Southern Circuit of the Territory of Missouri, diligently to enquire &c. and after having been solemnly charged by the presiding Judge of this Court, they the Grand Jurors aforesaid retired, to consult of their duties.

Ruth Blackburn by Jacob Job her father and
next friend — versus —
Benjamin Blackburn. } for divorce.

The Libellant by Charles S. Hempstead her attorney came, and thereupon this cause is continued to next term

John Lafoincade,
— versus — } action of Covenant.
John Mc Clenahan.

The plaintiff by Charles Lucas his attorney and the defendant by John Scott and Edward

Hempstead his attornies came, and on the plaintiff's motion it is ordered by the Court, that this cause be continued to next term.

Michael Jones who sues for the use of William Shannon - versus - } action of trespass on the Case.
Henry Dodge, Edward Hempstead, and John Scott.

The plaintiff by Charles S. Hempstead his attorney, and the defendants Henry Dodge and John Scott by Edward Hempstead their attorney came, and on motion of the plaintiff it is ordered by the Court, that this cause be continued to next term.

John Baptiste Hubardeau,
versus - } action of trespass on the Case.
James Bryan.

The plaintiff by Charles S. Hempstead his attorney, and the defendant by Robert Wash, his attorney came, and neither party requiring a trial by Jury, and the cause it is suggested and proved to the Court here that the plaintiff hath sustained damages by reason of the non performance of the several promises and undertakings in the declaration mentioned to the sum of two hundred sixty five dollars, and eighty three cents, besides his costs. Therefore it is considered by the Court, that the plaintiff do recover against the defendant his damages aforesaid, and also his costs in this suit expended &c.

John Baptiste Hubardeau,
versus - } action of trespass on the Case.
James Bryan.

The plaintiff by Charles S. Hempstead his attorney, and the defendant by Robert Wash his attorney came, and issue being joined herein this cause is continued to next term.

Philip Jackson,
versus - } action of trespass on the Case.
James Bryan.

The plaintiff by Charles S. Hempstead his attorney, and the defendant by Robert Wash, his attorney came, and neither party requiring a trial by Jury, and because it is suggested and proved, to the Court here that the plaintiff hath sustained damages by reason of the nonpayment of the promise in the declaration mentioned, to the sum of five hundred thirty three dollars, and seventy five cents, besides his costs, Therefore it is considered by the Court that the plaintiff do recover against the defendant, his said damages and also his costs in this suit expended &c.

The Grand Jurors aforesaid returned into Court and preferred a bill of indictment against one Edward H. Matthews for the murder of one John Alston "a true bill" whereupon the Sheriff is commanded, that he bring up the said Edward H. Matthews here at half after two o'clock in the evening, it appearing that the Sheriff hath him in his custody. at which time so as aforesaid appointed, came the said Edward H. Matthews under the custody of the said Sheriff, to whom he is here also committed, and having heard the said indictment read; and forthwith being demanded concerning the premises in the said indictment specified and charged upon him, how he will acquit himself thereof, he saith that he is not guilty thereof and thereof for trial he puts himself upon God and the Country, and Charles S. Hempstead Circuit attorney who prosecutes for the United States of America, in his behalf doth the like. And thereupon the Sheriff is commanded, that he summon forty eight good and lawful men of this County, to serve as traverse Jurors before this Court, at nine o'clock in the morning, on Thursday next, the eighteenth day of the present month, for the trial of the said Edward H. Matthews

Henry R. Steel, Robert M. Stevenson, and Andrew McCormick — vs —
Israel McGready. } action of debt.

The plaintiffs by Robert Wash their attorney, and the defendant by Charles S. Hempstead his attorney came, and by consent of the parties this cause is continued to next term.

Joseph Taber and David Heard came here into Court, and were thereupon sworn to give evidence to the Grand Jury.

The Grand Jurors aforesaid, again returned into Court, and preferred a bill of indictment against one Charles Martin, for the murder of one David Marler "a true bill", and thereupon came Charles S. Hempstead Circuit attorney, and on his motion a capias is awarded against the said Charles Martin, into any County in this Territory.

The Grand Jurors, aforesaid, were thereupon by the Court, discharged from further attendance here.

Thereupon the Superior Court adjourned to nine O'Clock, tomorrow morning.

Test:
Joseph McFerron
Clerk.

Alexr. Stuart

of Missouri, for the Southern Circuit.

Tuesday 2 April 1816. The Superior Court, met at the Town of Jackson, at nine O'clock, in the morning pursuant to adjournment.

Present. The Honorable Alexander Stuart Esquire, and the Honorable John B. C. Lucas Esquire, Judges.

Mary Laines by John M. Hinkson her next friend
versus } on petition or Libel for a divorce
James Laines

The Libellant, and her next friend being solemnly called, came not, Therefore it is considered by the Court that the Libel be dismissed, and the cause discontinued.

Samuel A. Strother,
versus } on petition or libel for a divorce
Mary Strother.

The Libellant being solemnly called, came not, Therefore it is considered by the Court, that the libel be dismissed, and the cause discontinued.

Jeremiah Elsberry,
versus } action of trespass on the case.
Morgan Byrne.

The plaintiff by Charles S. Hempstead his attorney, and the defendant by James Evans his attorney came, and on motion of the plaintiff on affidavit filed, it is ordered by the Court that this cause be continued to next term. On motion of plaintiff commissions to take depositions are awarded him.

Rufus Easton,
versus } action of debt.
Erasmus Ellis.

The plaintiff by Charles Lucas his attorney and the defendant in person came, and thereupon this cause is continued to next term by their consent.

[illegible] Strong,
versus } action of trespass on the case.
Erasmus Ellis, and D. W. Hopkins.

The plaintiff by Charles S. Hempstead, his attorney, and the defendant Erasmus Ellis, by John Scott his attorney came, and on motion of the said defendant on affidavit filed, it is ordered, that this cause be continued to next term. On motion of the, said defendant commissions, to take depositions are awarded, to him.

Seely Wallis assignee of Robert Clary,
versus-
James Montgomery. } action of trespass on the case.

The plaintiff by John Scott his attorney and the defendant by Charles F. Hempstead his attorney came, and thereupon this cause is continued to next term, by their consent.

Joseph Harrison assignee of Robert Mitchell,
versus-
Edward Robertson. } action of debt.

The plaintiff by Charles Lucas his attorney, and the defendant by John Scott, and Nathaniel Pope, his attornies came, and the defendant craves oyer of the writing obligatory in the declaration mentioned, and of the condition of the said writing, and they are read and shewn unto him, and thereupon issue being joined on plea pleaded and filed, this cause is continued to next term.

Estate of } an order for the sale of Lands
Richard Jones Waters deceased.

Henry Dennille administrator de bonis non of the said Estate, by Charles Lucas, his attorney came, and brought an account of his proceedings in writing, which is here filed, stating that between the hours of ten in the [illegible] and [illegible] in the afternoon of the sixth day of June 1812, at the court house door in the big prairie in the County of new madrid, in pursuance of an order of the Superior Court at their march term preceding, he the said administrator sold to John Scott Esqr. one tract of 250 arpents situate on Lake Ricardo in the Township of new madrid originally granted to Isaac devore for one dollar one cent per arpent, amt. to $252.50 — Also one other tract sold, to John Scott Esqr. at seven hundred and fifty arpents, situate on Pemiscont in the Township of the little prairie, originally granted to Benjamin

Harrison for seventy five cents per arpent, amounting to the sum of $562.50 – and it appearing from the said account of proceedings which is under oath, that due notice of said sale was given and that he the said administrator did not become a purchaser of any of the said Lands, himself, that they were not purchased for his use, and that he is not interested in the purchase thereof in any wise, and the said order of sale of record, here being inspected. Therefore it is considered by the Court that the sale of the first above mentioned tract of two hundred and fifty arpens be confirmed, and the sale of the other tract as far as seven hundred arpens be also confirmed, and that the sale of the remaining fifty arpens, parcel of the said last mentioned tract, being unauthorised by the said order of sale, be ~~set aside~~ not confirmed.

Felicite Regnier alias Vallee, by John J. Laujon her next friend versus } on petition or libel for a divorce
Francois Regnier.

The Libellant by John Scott her attorney came, and on her motion an alias Summons is awarded, to be published in some newspaper printed within this Territory, once a week for six weeks.

Sally Pettit by her next friend Thomas Wright,
versus } on petition or libel for a divorce.
Francis Pettit.

The Libellant by Charles S. Hempstead her attorney came, and on her motion an alias Summons is awarded.

Peter Craig,
versus } action on an account.
William Mathews.

And it being suggested, and not denied that the said Peter Craig is dead, thereupon came William Ramsey Executor of the last will and testament of Peter Craig deceased, as plaintiff in this cause, by John Scott, and Rufus Easton his attornies.

Isaac Davis,
versus } action of trespass on the case for slan-
Joseph Lewis. } derous words.

The plaintiff by Charles S. Hempstead his attorney, and the defendant by John Scott and James Evans, his attornies came, and thereupon came a Jury, to wit. 1, Levi Wolverton 2, Samuel Ravenscroft 3, Robert Ravenscroft 4, John Bollinger 5, John J. Cistler 6, daniel Bollinger 7 Andrew Ramsey 8, Henry Limbaugh 9, Benjamin Anthony 10, John Wilson 11, Edward Robertson and 12, John Simpson, who being elected, tried, and sworn, and having heard the evidence, upon their oath do say "We of the Jury find for the defendant" Therefore it is considered by the Court, that the plaintiff take nothing by his writ &c. and that the defendant go thereof without day &c. It is further considered, that the defendant do recover against the plaintiff his costs in this suit expended &c.

Whereupon the Superior Court adjourned to Ten O'Clock, Tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Alexr Stuart

Wednesday 17 April 1816. The Superior Court, met at the Town of Jackson, at ten O'clock in the morning pursuant to adjournment.

Present. The Honorable Alexander Stuart, Esquire, and the Honorable John B. C. Lucas, Esquire Judges.

John B. Vallé and Thomas Maddin Executors of the last will and testament of James Maxwell deceased
versus } On writ of error to reverse a Judgment
John Smith T. } of the Circuit Court, County of Saint Genevieve

The plaintiffs by Edward Hempstead their attorney, and the defendant by John Scott his attorney came, and the parties having joined in error, and the record and proceedings herein having been inspected, it appears that there is no error therein, Therefore it is considered by the Court that the Judgment aforesaid be in all things affirmed, which is ordered, to be certified to the said Circuit Court. It is further considered by the Court, that the defendant here do recover against the plaintiffs here his costs in this behalf expended &c.

Vallé et al. Exrs. James
Maxwell deceased. } On petition for the sale of lands.

John B. Vallé and Thomas Maddin Executors of the last will and testament of James Maxwell deceased, by Edward Hempstead their attorney came, and presented their petition, stating that the said James Maxwell died in the month of May in the year one thousand eight hundred and fourteen, leaving the petitioners executors of his will as appears by said last will and testament here shewn, but without any power therein, to sell his real estate for the payment of debts. That the personal estate was inventoried and amounted to the sum of eleven hundred and eighty eight dollars, sixty two and one half cents. That the amount of sales was thirteen hundred and eight dollars and fifty one cents, as appears by copies of said inventory appraisement and list of sales herewith shewn. That the debts presented against said estate amount to the sum of five thousand four hundred and sixty nine dollars, and forty six cents, some of which are on accounts, not yet established in a Court of Justice now admitted by the Executors. but those on notes, and Judgments leave a considerable deficit, which they cannot pay and satisfy without the sale of a part of lands and premises, or of the whole. That the said deceased at the time of his decease, was seized and possessed of the following real estate, to wit. one lot of land in new Bourbon, and land adjoining supposed to contain twelve arpens more or less, with the dwelling house, thereon, in which the said James Maxwell lately resided. also one other lot of land, with a house, thereon, in New Bourbon, containing three arpens also one tract of land in the big field of one arpent and one fourth in front, bounded northwardly and southwardly by lands of St. James Beauvais also one other tract of one half arpent in front, beginning at the corner of the meadow, and running forty arpents to the hills, near New Bourbon also thirty five arpens of land in the second concession, so called, near New Bourbon also five hundred arpens of land as assignee of Louis P. d. Verlegant situate at the Saline creek in the County of Saint Genevieve also a concession for three thousand arpens of land, seventeen hundred and fifty arpens of land of which are surveyed on the river mississippi at the mouth of the river Saint Laurent, in the County aforesaid also a concession for four leagues square of land, and a survey thereof, at the forks of black river, and said to contain one hundred and twelve thousand eight hundred and ninety nine arpens. [illegible] they may have [illegible] of sale, of the whole or a part of said lands, to satisfy the demands against said estate. and the said Executors having together with their said petition filed a true and just account upon their oath of the claims and debts against said Estate, together with the (Inventory appraisement and) list of sales. Therefore it is ordered and directed by the Court, that the said John B. Vallé and Thomas Maddin Executors as aforesaid do sell such quantity of the aforesaid Lands and tenements as will raise the sum of two thousand fifty six dollars and seventy eight cents, or thereabouts, but not exceeding twenty one hundred dollars, on a credit of twelve months, begin

-ning with the first abovementioned lot of land and continuing the sale thereof in the order they are placed above, until the sum aforesaid be raised, that the same be sold on the second day of the next May term of the Circuit Court for the County of Saint Genevieve, being the 28th day of May next, at the Court house door of said County, in the Town of Saint Genevieve; and in case the said sale should not then and there take place, or be completed, then said sale shall take place or be completed, at the Court house door aforesaid, on the 27th day of August next, being the second day of the August term of the said Circuit Court. Ordered that the Clerk make out six advertisements of the foregoing, one of which shall be published in the Missouri Gazette, three weeks next preceding the day of sale.

Jacob Friend and Charles Friend,
versus -
James Brady.
} on writ of Error to reverse a Judgment of the Court of Common Pleas, of the County of New Madrid.

The plaintiffs by Johnson Ranney their attorney and the defendant by John Scott and James Evans his attorney came, and the errors joined, being argued, &c. The Court having inspected the record and proceedings herein, it appears that the said Court of Common Pleas erred in giving Judgment by default against the defendants below on the third day of the term, when the law allows them the whole of the third day to plead and in not having decided upon the defendants plea, Therefore it is considered by the Court here, that the Judgment aforesaid be reversed, and annulled, and that the plaintiffs here be restored to all things which they have lost thereby &c. which is ordered to be certified to the Circuit Court of the County of New Madrid. It is further considered, that the plaintiffs here do recover against the defendant here, their costs in this behalf expended &c.

John Bollinger } action of trespass vi et armis,
versus- } for assault and battery.
Benjamin Anthony (who is impleaded with
John Y. Estler.

The plaintiff by John Scott his attorney, and the defendant by Charles S. Hempstead his attorney came, and thereupon came a Jury, towit:- 1, James Logan - 2, John Sheppard - 3, Jabez Lane - 4, John Shaw - 5, William Wathen - 6, Ransom Bettis - 7, Robert A. Logan - 8, Jacob Wolf - 9, Elijah Bettis - 10, William Allen - 11, William Neely, and, 12, John Waters, who being elected, tried and sworn, and having heard the evidence upon their oath do say "we of the Jury find the defendant not guilty" Therefore it is considered by the Court that the plaintiff take nothing by his writ &c. and that the defendant go thereof without day &c. It is further considered that the defendant do recover against the plaintiff his costs in this suit expended &c.

Abraham Byrd,
versus. } action on a note.
James Ravenscroft.

The Court having inspected the papers filed herein, and it appearing that the matter in dispute is under the value of one hundred dollars Therefore having no jurisdiction thereof it is considered by the Court, that this cause be dismissed hence, and sent back to the Circuit Court, whence it was certified.

William Rumsey Executor of the last will and testament of Peter Craig deceased,
versus- } action on an account.
William Mathews.

The Court having inspected the papers filed herein, and it appearing that, the case in controversy is under the value of one hundred dollars, Therefore having no jurisdiction thereof it is considered by the Court, tha

of Missouri, for the Southern Circuit
this cause be hence dismissed, and sent back to the Circuit Court, whence it was certified.

Whereupon the Superior Court adjourned to nine O'clock, tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Alexr Stuart

Thursday 18 April, 1816 - The Superior Court met at the Town of Jackson, at nine O'clock in the morning, pursuant to adjournment.

Present - the Honorable Alexander Stuart Esquire
and the Honorable John B. C. Lucas Esquire
Judges.

United States of America, } An indictment for
versus } the murder of
Edward H. Mathews. } John Alston.

The said Edward H. Mathews, came, under custody of the Sheriff, to whom he is here also committed, and it appearing that he has had a copy of the indictment, and a list of the Jury for two entire days, thereupon came the Attorney aforesaid, and the list of the said Jury, by the Sheriff summoned, as he was commanded, being called over, thereupon came a Jury as follows, to wit: - 1, Andrew Burns - 2, Elisha White - 3, James Stephens junior - 4, William Cox - 5, Jacob Miller - 6, Joel Blunt - 7, David Strickland - 8, William Chambers - 9, Chas Randol - 10, James Massie - 11, Gilbert Hector and 12, Andrew Ramsey, who being elected, tried, and sworn, and having heard the evidence, upon their oath do say "we of the Jury find the defendant not guilty in manner and form as he stands indicted" and proclamation being made, as the manner is &c. Therefore it is considered by the Court, that the said Edward W. Matthews, of the premises aforesaid, in the indictment aforesaid, before specified, be discharged, and do thereof forever go without day &c.

Whereupon, the Superior Court adjourned to seven O'Clock, Tomorrow morning.

Alexr Stewart

Joseph McFerron,
Clerk.

of Missouri, for the Southern Circui

Friday 19 April 1816. The Superior Court, met at the Town of Jackson, at seven O'Clock, in the morning, pursuant to adjournment.

Present: the Honorable Alexander Stuart Esquire, and the Honorable John B. C. Lucas Esquire; Judges.

T. H. Benton attorney at law came, and on his motion Ordered that leave be granted him to enter himself security for costs for Benjamin Johnston a non resident.

John Strong,
versus } action of trespass on the case
Erasmus Ellis, (who is impleaded with J. A. Hopkins.

The Court having inspected the papers filed herein, and it appearing that the case in controversy is under the value of one hundred dollars, Therefore, this Court having no jurisdiction thereof, it is considered that this cause be hence dismissed, and sent back to the Circuit court whence it was certified.

Whereupon the Superior Court adjourned to next term.

Alexr Stuart

Test:
T. McFerron, Clerk.

Record of the Decrees, Judgments, orders and Proceedings of the Superior Court of the Territory of Missouri, holden for the Southern Circuit of said Territory, at the Town of Jackson, in the County of Cape Girardeau, of the term of October, in the year of our Lord one thousand eight hundred and sixteen, and of the Independence of the United States of America, the forty-first year.

The second Monday in the month of October aforesaid, the fourteenth day of the month, a sufficient number of the Judges of said Superior Court not attending, and the Court failing to be held, the Sheriff of the County of Cape Girardeau, thereupon adjourned the said Superior Court, until Tomorrow.

Test:
Joseph McFerron Clerk.

Tuesday the fifteenth day of the month of October aforesaid a sufficient number of the Judges of said Superior Court not attending and the court still failing to be holden, the Sheriff of the County of Cape Girardeau, thereupon adjourned the said Superior Court until Tomorrow.

Test.
Joseph McFerron Clerk.

of Missouri for the Southern Circuit.

On Wednesday the sixteenth day of October, one thousand eight hundred and sixteen, the Superior Court of the Territory of Missouri, was held at the Town of Jackson, for the Southern Circuit.

Before the Honorable,
Silas Bent Esquire;
and the Honorable,
John B. C. Lucas Esquire;
Judges of the said Court.

John [illegible]
vs.
[illegible] } Action of Covenant.

The plaintiff by Jason Chamberlain his attorney, [illegible] the defendant by his attorney came, whereupon the plaintiff permitted his suit to be discontinued, therefore it is considered by the Court, that the defendant go [illegible] without day &c. And it is further considered by the Court that the defendant recover against the plaintiff [illegible]

[illegible] Jane [illegible] by her father [illegible]
vs. } On petition for a divorce.
Benjamin [illegible]

The libellant by her attorney came, and [illegible] petition [illegible] libel [illegible] dismissed. [illegible] considered by the Court that the defendant go thereof without day &c. [illegible] considered by the Court that the defendant recover against the libel[illegible] [illegible] in this [illegible]

Michn. Sitting October 1816.

Henry B. Steele, Robert M. Stevenson, and Andrew McCormick versus } Action of Debt.
Joachim [illegible]

The parties by their attornies came, and on motion of the plaintiffs, Ordered that this cause be continued to next term, that he may then produce the note on which this action is founded.

John Baptiste [illegible]
versus } Action on the Case.
James [illegible]

The parties by their attornies came, and the plaintiff permitted his suit to be discontinued, the defendant agreeing to pay the costs: Therefore it is considered by the Court that the plaintiff do recover against the defendant his costs in this suit expended.

Jeremiah [illegible]
versus } Action on the Case.
Morgan Payne

The defendant by his attorney came, and the plaintiff, although solemnly called, came not; therefore it is considered by the Court that the plaintiff [illegible] and that the defendant go thereof without day [illegible] the Court that the defendant recover against the plaintiff his costs in this suit expended.

[illegible] Petition for sale of real Estate
[illegible]

John B. [illegible] came in [illegible] attorney came [illegible] their [illegible] with the requisite oath.

Continued Tuesday 9 October 1810.

[illegible] [illegible]
versus -
[illegible] [illegible] } Action of Debt.

The plaintiff by Joseph Chamberlain his attorney and the defendant by Robert Wash his attorney came and argued the demurrer joined in this cause, the Court will advise of a judgment [illegible] [illegible] [illegible] until judgment be given thereon.

Polly Wallis assignee of Robert Clary;
versus
Lanis Montgomery } Action on the case.

The parties by their attornies came and the demurrer herein being joined and argued it is considered by the Court that the same be sustained and that the said [illegible] be overruled.

[illegible] [illegible] [illegible] [illegible] [illegible] Wash,
[illegible] [illegible] [illegible] } [illegible]

The plaintiff by Joseph Chamberlain his attorney [illegible] [illegible] the defendant by [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] William Allen & Davis [illegible] the plaintiff [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Court that the plaintiff [illegible] [illegible] [illegible] [illegible] and that the [illegible] [illegible] the Court [illegible] [illegible] and argued it is considered by the Court that the defendant recover against the plaintiff his costs [illegible] [illegible] [illegible].

[illegible] [illegible]
versus } [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Opelousas Tuesday 16 October 1810.

It being suggested, and made known to the Court that the said John Callahan is dead, thereupon came Stephen Ross administrator of the said John Callahan deceased, as plaintiff in this cause, by James Evans his attorney; the defendant also by his attorney came, whereupon by consent of the parties this cause is continued to next term.

John Logan,
versus } action on the case.
Aaron Richardson.

The plaintiff by Johnson Kenney his attorney, and the defendant by Charles S. Hempstead his attorney came, and the demurrer joined being argued, the Court will advise of and upon the premises before Judgment be given thereon.

Ferguson Haile,
versus } on petition or libel for a Divorce.
Jemima Haile.

The Libellant by Johnson Kenney his Attorney came, [illegible]

[illegible]

next Term.

[illegible]

The plaintiff by [illegible] his attorney came, and it appearing that the writ of [illegible] in this cause have not been

Wednesday 16 October 1816.

returned, therefore no proceeding can be had herein at this term.

It appearing by an account filed that thirty Dollars is due to Charles S. Hempstead for his fees as Circuit attorney, for the Indictment against Edward H. Matthews who was acquitted of the (charge of the) murder of John Alston at last term. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

Samuel Phillips assignee of Samuel Henderson versus Samuel Baldwin } action of Debt.

The plaintiff by James Evans his attorney, and the defendant by Robert [illegible] his attorney came, and on the motion of the defendant, it appearing that the cause in controversy is under the value of one hundred dollars and not within the jurisdiction of this Court. Therefore it is considered that this cause be dismissed and discontinued, and that the defendant go [illegible] by the Court, that the defendant do recover against the plaintiff his costs in this behalf expended.

Benjamin Johnston versus Jonathan [illegible] } action of Debt.

The plaintiff by [illegible] Dunbar his attorney, and the defendant [illegible] his attorney came, and the [illegible] in [illegible] the Court, [illegible] the plaintiff [illegible] bail [illegible] term of this Court, [illegible]

Wednesday 10 October 1810.

he saith so to do, the Sheriff of the County of Lawrence, who served the writ, shall be made co-defendant in this cause.

Whereupon the Superior Court adjourned to nine O'clock tomorrow morning.

Teste.
Josiah M'Keron,
Clerk.

Seth Hunt

Thursday 17 October 1816. The Superior Court met, at the Town of Jackson, at nine o'clock in the morning pursuant to adjournment.

Present the Honorable
Silas Bent Esquire, and
the Honorable
John B. C. Lucas Esquire,
Judges.

John Logan,
versus } action on the Case.
Aaron Richardson

The parties by their attornies came, and the Court being now sufficiently advised of and upon the premises, it seems that the declaration and matters therein, are not sufficient in law, Therefore it is considered by the Court that the demurrer be sustained, and the declaration quashed &c. and that the defendant go thereof without day, and it is further considered by the Court that the defendant do recover against the plaintiff his costs in this behalf expended.

Jason Chamberlin Esquire came, and presented the petition of William Cooper a prisoner committed and detained in the Jail of the County of Cape Girardeau for a criminal matter, whereupon a writ of Habeas Corpus directed to the Sheriff of said County returnable immediately is awarded and granted, and thereupon came the said William Cooper here, under custody of the said Sheriff to whom he was also committed and the said Sheriff having made return of the said writ, and certified the cause of the commitment and detainer of the said prisoner

Thursday 17 October 1816.

by returning a copy of the mittimus, and the evidence for and against the prisoner being heard, it appears to the Court that there is reasonable ground to believe that the prisoner hath attempted to pass and passed a counterfeit bank bill knowing it to be counterfeit, and the said William Cooper neither offering bail, nor praying to be bailed, it is considered and ordered by the Court that he be taken back to the Jail whence he was brought, therein to remain until thence delivered by due course of law.

Benjamin Johnston
versus
Jonathan [illegible] } Indebitatus ast.

The parties by their attornies came, and on motion of the plaintiff leave is granted him to file his amended declaration on payment of costs.

~~[illegible]~~

[illegible]
versus } Action on the case.
Henry [illegible] and [illegible] King [illegible]
with [illegible]

The parties by their attornies came, [illegible]
it is thereupon proved that the plaintiff hath sustained damages by occasion of the premises to the sum of three hundred and three dollars and fifty cents, therefore it is considered by the Court that the plaintiff recover against the defendant his said damages and also his costs in this suit expended &c.

of Missouri for the Southern Circuit.

Thursday 17 October 1816.

Benjamin Hodges,
versus } action of Covenant.
Samuel Hinch, Uriah Hinch, Michael Hinch, George Craig, Charity Hinch, and Charity Craig, impleaded with others.

The plaintiff by John Scott and Charles S. Hempstead his attornies and the defendants by Thomas H. Benton their attorney came, and on motion of the defendants, it appearing that the writ is irregular, being directed to the Sheriffs of two Counties, Therefore it is considered by the Court, that the said writ be quashed &c. and that the defendants go thence without day, and it is further considered by the Court that the defendants do recover against the plaintiff their costs in this behalf expended.

Gerrard Green,
versus } action of Covenant.
Samuel Hinch, Uriah Hinch, Michael Hinch, George Craig, Charity Hinch, and Charity Craig impleaded with others.

The plaintiff by John Scott and Charles S. Hempstead his attornies and the defendants by Thomas H. Benton their attorney came, and on motion of the defendants, it appearing that the writ is irregular being directed to the Sheriffs of two Counties, Therefore it is considered by the Court that the said writ be quashed &c. and that the defendants go thence without day, and it is further considered by the Court that the defendants do recover against the plaintiff their costs in this behalf expended.

[illegible]

Thursday October 1816.

The plaintiff by Mason Chamberlain his attorney came, and the defendant being solemnly called came not but failed to plead, wherefore the plaintiff ought to recover his damages by reason of the premises, but because those damages are unknown, therefore it is considered by the Court that the same be enquired of by a Jury at next term, to which term this cause is continued.

Rufus Easton
vs } Action of Debt:
Erasmus Ellis.

The parties by their attornies came, and the Court being now sufficiently advised of and upon the premises, it is considered that the demurrer be overruled. Whereupon issue being joined, this cause is continued by [illegible] at the [illegible] of the parties.

Louis [illegible]
vs } [illegible]

[illegible]

The plaintiff by [illegible] his attorney and the defendants by Edward Hempstead their attorney came, and [illegible] came also a jury [illegible] who being [illegible] upon their oaths do say that the plaintiff [illegible] damages by reason of the premises to the sum of [illegible] hundred and two dollars and sixty [illegible] cents. Therefore it is considered by the Court of Missouri for the Southern Circuit

Thursday 24 October 1816.

administrator [illegible] of the deceased [illegible]

Sally Pettit by her next friend Thomas Wright,
versus
James Pettit. } Petition or libel for a divorce

This day [illegible] and the defendant by [illegible] and John Scott his attornies come, and on motion of the defendant, ordered that this cause be continued to next term, at his costs.

Whereupon the Superior Court adjourned to nine o'clock tomorrow morning.

[illegible]

[illegible] McFerron,
Clerk.

The Record of the Superior Court, of the Territory

[illegible] October 1816 The Superior Court met at the Town of Jackson, at nine o'clock in the morning pursuant to adjournment.

Present, the Honorable,
Silas Bent Esquire, and
the Honorable,
John B. C. Lucas, Esquire,
Judges.

[illegible]

Daniel Bissell,
versus
Henry Cary.
} In writ of Error.

The parties by their attornies came, and the court having inspected the record and proceedings and the errors assigned, being sufficiently advised of and concerning the premises. It appears to the Court that there is error in the [illegible]. Therefore it is considered by the court here, that the [illegible] in that the said plaintiff [illegible] all things which he hath lost by reason of [illegible]

[illegible]

[illegible] versus [illegible]

[illegible]

Friday 18 October 1816

and the plaintiffs having objected to the defendants new plea filed, the same is overruled by the Court, whereupon the remaining [illegible] issues [illegible] joined thereon, and neither party requiring a trial by Jury, the [illegible] submitted [illegible] by the Court and the defendant objecting to the admission [illegible] evidence [illegible] the objection is overruled by the Court. it is [illegible] manifest [illegible] plaintiffs [illegible] damages [illegible] hundred [illegible] sixty [illegible] cents [illegible] it is considered [illegible] that the plaintiffs recover [illegible] damages [illegible]

[illegible]

[illegible] plaintiffs [illegible] damages [illegible]

[illegible] court, [illegible] [illegible] continuance [illegible]

The Record of the Superior Court of the Territory

Friday 18 October 1810.

considered by the Court that the defendant do recover against the plaintiff his said costs in this behalf expended.

Benjamin Johnston,
versus } action of debt.
Jonathan Magness.

The parties by their attornies came, and demurrer being joined herein, this cause is continued to next term.

James Lucas,
versus } Action on the Case Trover
Jacob Fisherbaum.

[illegible] by their [illegible] in [illegible] and the defendant [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the said [illegible] [illegible] [illegible] [illegible] because [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the Court [illegible] [illegible] [illegible] [illegible]

Friday, 18th October 1816:

being joined herein, the cause is continued to next term.

Auguste Chouteau administrator of Julien Dubuque deceased versus } on Scire Facias
John Donahue, Bail of John Smith T.

The plaintiff by Edward Hempstead his attorney, as well the defendant by John Scott his attorney come, and issue being joined herein. The record aforesaid is here produced and inspected by the Court, Therefore it is considered by the Court that the plaintiff do recover against the defendant the debt in the record mentioned to wit one thousand four hundred and nine dollars and seventy seven cents and the sum of Eight hundred and seven [illegible] dollars and [illegible] cents [illegible] [illegible] detention of the said debt, [illegible] costs in this suit [illegible] and that he have his execution thereof.

The Court adjourned until tomorrow [illegible]
morning.

Silas Bent

Test.
Joseph [illegible],
Clerk.

Saturday - 19 October 1816 - The Superior Court met, at the Town of Jackson, at nine o' Clock in the morning pursuant to adjournment

Present - the Honorable,
Silas Bent Esquire,
and the Honorable,
John B. C. Lucas, Esquire. } Judges.

Samuel Phillips, appellant,
versus - } an appeal from a Judgment of the Circuit Court County of New Madrid.
John Shrader, appellee.

The appellant by John Scott, and Thomas H. Benton, his attornies, and the appellee by Charles S. Hempstead and Cyrus Edwards his attornies came whereupon the record proceedings and Judgment herein, as also the reasons filed to reverse the Judgment, being seen and by the Court here fully understood, and the reasons aforesaid being argued and mature deliberation being had on the premises, it appears to the Court that there is no error either in the record and proceedings aforesaid, or in giving the Judgment aforesaid. Therefore it is considered by the Court now here, that the Judgment aforesaid be in all things affirmed. - It is further considered by the Court, that the appellee do recover against the appellant as well his damages and costs aforesaid in the Judgment aforesaid mentioned, as also his costs in this behalf expended, and that the appellee have execution thereof.

George Craig
versus } Action of Replevin.
James Bryan.

The plaintiff by Charles S. Hempstead his attorney came and on his motion an alias writ is awarded against the defendant.

William James, appellant
versus - } an appeal from a decision of the Circuit Court County of Saint Genevieve.
William Dunn, appellee.

Saturday, 19 October, 1816.

The appellant by Charles S. Hempstead, John Scott, and Thomas H. Benton his attornies, and the appellee, by Jason Chamberlain, and Cyrus Edwards his attornies came, whereupon the appellee, by his attornies moved the Court, to disallow the said appeal, and to dismiss the aforesaid controversy; and the causes filed in support thereof being argued, the Court overruled the motion, and thereupon, by consent of the parties this cause is continued to next term.

William James, versus William Dunn } on petition to have the supposed will of Timothy Kelly deceased proved.

The petitioner by Charles S. Hempstead, John Scott, and Thomas H. Benton his attornies, and the defendant, by Jason Chamberlain and Cyrus Edwards his attornies came, and issue being joined herein; this cause is, by consent of the parties, continued to next term.

Estate of Samuel Flint deceased. } on petition of administrator [illegible] estate.

[illegible] administrator [illegible] [illegible] the County of [illegible] by Charles S. Hempstead his attorney [illegible] and presented his petition, shewing that [illegible] the said Samuel Flint [illegible] intestate, seized [illegible] whereupon administration thereof was duly granted to the petitioner, that the appraisement of the personal estate of said intestate [illegible] to the sum of seventy [illegible]

Saturday 19 October 1816.

notes, accounts, and demands against individuals a great part of which are of no value. That the proceeds of the sale of all the personal estate, amounted to the sum of sixty five dollars, seventy five cents. That no further personal property, nor any other demands due said Estate, have come to the possession or knowledge of the petitioner. That the debts and demands against the Estate of said intestate amount to the sum of five hundred forty seven dollars and thirty six cents. That those which have been established according to law, and admitted, to be proven by the petitioner, amount to the sum of four hundred twenty seven dollars; leaving the Estate in debt a balance of two hundred and four dollars, beside unproven demands which have been presented. Therefore the petitioner prays that the Court will order and decree the following real property, belonging to the real estate of said deceased, may be sold at public sale for the payment of the aforesaid debts; to wit: a certain lot of ground situate in the Town of Saint Genevieve, bounded westwardly by the public square, northwardly [illegible] Eastwardly by the lot of Charles Lacoine and southwardly by the lot of George Morrow, containing about forty feet in front on East, eight feet four inches in the rear, upon which said lot, there is a stone frame house now occupied by Peter Strickland [illegible] the sum [illegible] [illegible] having together with his said petition filed here a true and correct account of all the debts against the said Estate which has come to his knowledge, upon his oath, together with copies of the inventory, appraisement and list of sales aforesaid, a also a list of notes and accounts due said estate. It is thereupon Ordered and directed by the Court, that the said Edward Gibson admi-

Saturday 19 October 1816.

strator as aforesaid, to sell, at public sale, on tuesday the twenty sixth day of November next, being the second day of the next term of the Circuit Court of the County of Saint Genevieve, between the hours of ten in the forenoon, and three in the afternoon of that day, at the Court house door in the Town of Saint Genevieve, on a credit of twelve months, all the right title, claim, and interest of the said Samuel Flint, at the time of his death, in and to the aforesaid, described house and lot of ground; and that the said administrator do bring an account of his proceedings herein, to the next term of this Court, together with the requisite oath or affirmation. Of which sale the Clerk is ordered to make out five advertisements; one of which shall be published in the Missouri Gazette, three weeks next preceding the day of sale.

Estate of William Flynn senior deceased. } On petition of administrator for sale of real Estate.

William Flynn junior as administrator of all and singular the goods and chattels rights and credits of William Flynn senior deceased, of the County of Saint Genevieve, by John Scott his attorney came, and preferred [illegible] petition [illegible] that William Flynn senior of whom the petitioner is the administrator, died about the month of December in the year one thousand eight hundred and twelve, intestate; that the whole amount of the sales of the personal property of the said deceased, only amounted to the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] proved and allowed by the said Estate [illegible] two hundred and seventeen dollars sixty nine cents which have been allowed to him in his settlement with the Circuit Court of the County of Saint Genevieve [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the [illegible] [illegible] [illegible]

Saturday 19 October 1816.

thirty four dollars, five and one half cents; that at the time of the death of said William Flynn senior he was owner of and possessed of the quantity of three hundred and sixty arpents of land as appears by the survey thereof situate on the Mississippi in the County of Saint Genevieve, in Bois-brulé bottom adjoining lands of Timothy O'Kelly on the lower side and one Crosby on the upper side, That the said deceased owed a large debt to one George Mountjoy deceased, whose executors had applied in the life time of said William Flynn senior for payment, and to whom said deceased had mort-gaged two hundred arpents of the above tract of land to secure the said debt. That after the death of said William Flynn senior, the said Executors of Mountjoy prosecuted the said mortgage and fore-closed the same on the said land, by obtaining a Judgment at the November term of the Circuit Court for the County of Saint Genevieve for the sum of eight hundred and sixty three dollars and seventy two cents principal and interest, and twenty five dollars and thirty five cents costs up to that time, which said Judgment [illegible] [illegible] one hundred [illegible] [illegible] The said Judg-ment which was [illegible] at the last [illegible] term of the Circuit Court for the County of Saint Genevieve for the sum of seven hundred and five dollars, which has [illegible] the costs [illegible] commissions and other expenses [illegible] about the sum of six hundred and fifty [illegible] towards the dis-charge of the said Judgment, which together with the sum of two hundred and thirty four dollars five and one half cents, the petitioners [illegible] at the time of settling with the [illegible] [illegible] said Judgment, [illegible] and [illegible] of said Judgment [illegible] thirty dollars and thirty additon thereto, there has come to his knowledge debts against the said Estate to the amount exclusive of the balance of said Judgment, of about one hundred and twenty dollars – and that the only property that belongs to the said Estate is the balance of the tract of land above described, amounting to about one hundred and twenty arpents – wherefore the petitioner prays that the said land be sold to raise money for the payment of the debts as aforesaid. And the said administrator having together with his said petition, which contains a true and just account, upon his oath, of all the debts against the said Estate, at this time come to his knowledge, filed here copies of the Inventory, appraisement, and list of sales, of said Estate. It is thereupon ordered and directed by the Court, that the said William Flynn junior, administrator as aforesaid, do sell at public sale, on tuesday the twenty sixth day of November next, being the second day of the next term of the Circuit Court of the County of Saint Genevieve, between the hours of ten in the forenoon, and three in the afternoon of that day at the Court house door in the Town of Saint Genevieve, on a credit of twelve months, all the right, title, claim, and interest which the said William Flynn senior at the time of his death, in and to the said one hundred and twenty arpens of land last mentioned in the said petition. And that the said administrator do bring an account of his proceedings herein, to the next term of this Court, together with the requisite oath or affirmation. Of which sale the Clerk is ordered to make out five advertisements, one of which shall be published in the Missouri Gazette three weeks next preceding the day of sale.

Sally Pettit by her next friend Thomas Knight
versus
Larkin Pettit } On petition or libel for a Divorce.

The parties by their attornies [illegible] [illegible] of the said defendant Commission is to take

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depositions are awarded.

Perly Wallis assignee of Robert Clary,
versus. } Action on the Case/?
James Montgomery. }

The parties by their attornies came, whereupon the defendant by his attornies prays that a new trial may be granted to him in this case, for the reasons filed, which being heard and argued, the Court will advise of and concerning the same, and thereupon this cause is continued to next term.

It appearing by an account filed that thirty dollars is due to Joseph V. Garnier Clerk of this Court, for costs and charges for his trouble and expences in sending for and receiving the Records and papers of said Court, from the Clerks of the Superior Court late in the Counties of Saint Genevieve and New Madrid [illegible] a seal for this Court: Ordered by the Court that the same shall be paid out of the Territorial Treasury.

It appearing by an account filed that forty [illegible] dollars is due to John Hays Sheriff of the County of Cape Girardeau for [illegible] Edward H. Watkins, [illegible] and [illegible] also for [illegible] deposit [illegible] one thousand eight hundred and sixteen, and [illegible] notifying the Governor that he had in his custody William Barker & Ralph Davis, charged with murder: Ordered by the Court that the same shall be paid out of the Territorial Treasury.

It appearing by a statement filed that fourteen dollars, forty seven cents and five mills is due to Joseph V. Garnier Clerk of this Court for his fees on the prosecution of Edward H. Watkins who was acquitted of the charge of the murder of [illegible] at last term. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

It appearing by a statement [illegible] that sixty [illegible] [illegible] cents [illegible] to John Hays [illegible]

of Missouri for the Southern Circuit.

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Sheriff of the County of Cape Girardeau, for his fees in the prosecution of Edward H. Matthews, who was acquitted of the charge of the murder of John Alston, at last term: Ordered by the Court that the same shall be paid out of the Territorial Treasury.

It appearing, by a statement filed, that five dollars is due to David Logan junior, a witness in behalf of the United States of America, for his fees, on the prosecution of Edward H. Matthews, who was acquitted of the charge of the murder of John Alston, at last term: Ordered by the Court, that the same shall be paid out of the Territorial Treasury.

It appearing, by a statement filed, that five dollars and fifty cents is due to Phillip Alston, witness in behalf of the United States of America, for his fees, on the prosecution of Edward H. Matthews, who was acquitted of the charge of the murder of John Alston, at last term. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

Whereupon the Superior Court adjourned to next term.

Test:
Joseph McFerrin,
Clerk.

Silas Bent

Records of the Decrees, Judgments, orders and Proceedings of the Superior Court of the Territory of Missouri, holden for the Southern Circuit of said Territory, at the Town of Jackson, in the County of Cape Girardeau, of the Term of April, in the year of our Lord, one thousand eight hundred and seventeen, and of the Independence of the United States of America, the forty first year.

On Monday the first day of the said term of April, the fourteenth day of the month, the said Superior Court was held as aforesaid, Before

The Honorable, Alexander Stuart Esquire,
The Honorable, John B. C. Lucas Esquire,
and the Honorable, Silas Bent Esquire,
the Judges of the said Superior Court.

Henry S. Steel, Robert M. Stevenson, and Andrew McCormick versus
Israel McGready. } action of debt.

The parties by their attornies came, and on motion of the plaintiffs, this cause is continued to next term, at their costs.

Perry Wallis assignee of Robert Clary,
versus } action on the case.
James Montgomery.

The parties by their attornies came and with their consent it is considered by the Court that a new trial of this cause be granted at the present term; whereupon came a Jury, to wit, Isaac Sheppard 2, Robert Buck 3, William Matthews 4, Anthony F. Neely 5, Moses Hanight 6, Abraham Hanight 7, Robert English 8, William Castleman 9, Jos. Blunt 10, Peter

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Crites 11, John Whittenberg, and 12, James Brawley, who being elected tried and sworn, and having heard the evidence; upon their oaths do say "We of the Jury find for the defendant"

Therefore it is considered by the Court that the plaintiff take nothing by his writ &c. and that the defendant go thereof without day &c.

It is further considered, that the defendant do recover against the plaintiff his costs in this behalf expended &c.

Ferguson Haile,
versus } On petition or libel for a
Jemima Haile } divorce.

The Libellant by his attorney came, and on his motion, Commissions, to take depositions are awarded to him.

Sally Pettit by her next friend Thomas Wright
versus } On petition or libel for a Divorce
James Pettit }

The parties by their attornies came, and with their consent, this cause is dismissed, and discontinued, at the costs of defendant; Therefore it is considered by the Court that the Libellant's next friend do recover against the defendant his costs in this suit expended &c.

Stephen Ross administrator of John Callahan deceased versus } action on the case.
Eliz. Ann Cary, administratrix of the estate of Joseph Mitchell deceased.

The parties by their attornies came and with their consent, this cause is continued to next term.

Thomas Lucas, here present, having repeatedly behaved himself disorderly and being forewarned to desist therefrom, while witness

Monday 12th April, 1814.

being examined on oath, as to his pecuniary circumstances, it is, thereupon considered by the Court, that the said Charles Lucas do pay a fine of Five dollars, for the use of the Territory of Missouri, by reason of the contempt of Court, by him committed in manner aforesaid; and that execution be duly issued for the said fine and costs.

Isaac Quick to the use of Thomas Quick,
versus } action on the case.
John Capps. }

The plaintiff by his attorney came, and thereupon came a Jury, to wit. 1, John Sheppard 2, Fielding Glasscock 3, Edward Criddle 4, Anthony Randol 5, George H. Owens 6, Amos Thompson 7, John Patten 8, Robert Mc Callister 9, Thomas Stewart 10, Simon Poe 11, Adam James, and 12, Edward W. Matthews, who being elected, tried, and sworn, to inquire of damages &c. and having heard the evidence, upon their oath do say, "we of the Jury assess the plaintiff's damages, to four hundred forty four and seventy five cents" Therefore it is considered by the Court, that the plaintiff do recover against the defendant his said damages, so by the Jury aforesaid assessed, and also his costs in this suit expended &c.

Whereupon the Superior Court adjourned to nine O'Clock tomorrow morning.

Alexr. Stuart

Test.
Joseph McFerron
Clk.

On Tuesday, the second day of the said term of April, in the year 1814 aforesaid, the fifteenth day of the month, the Superior Court met at the Town of Jackson aforesaid, at nine O'Clock in the morning pursuant to adjournment.

Present - the Honorable Alexander Stuart Esquire,
the Honorable John B. C. Lucas Esquire,
and the Honorable Silas Bent Esquire,
the Judges of the said Superior Court.

Benjamin Johnston,
versus - } action of debt.
Jonathan Magness,

The parties by their attornies came, whereupon, the demurrer joined herein, being argued, the Court will advise of and concerning the same.

John Waters and others heirs of Thomas W. Waters deceased - versus } action of trespass
Robert English. } in Ejectment.

The parties by their attornies came, and the demurrer joined herein, being argued, the Court will advise of and concerning the same, whereupon this cause is continued to next term.

Frederick Bates for the use of the United States of America, versus } action of Covenant.
Henry Dodge.

The defendant by Edward Hempstead his attorney came, and craves oyer of the deed and other writings of which profert is made in the declaration.

Frederick Bates for the use of the United States of America, versus } action of Covenant.
Henry Dodge, and Alexander Craighead impleaded with Nicholas Wilson.

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The defendants by Edward Hempstead their attorney came, and crave oyer of the deed and other writings, of which profert is made in the declaration.

James Lucas,
versus. } action on the case. Trover.
Jacob Robertson, and Stephen Ross.

The plaintiff by his attorney came, and on his motion Commissions to take depositions are awarded. whereupon this cause is continued to next term.

Charles Lucas, who was, at this term, fined in five dollars, for a contempt of Court, came, and paid the same to John Hays Sheriff of the County of Cape Girardeau, here present, Therefore let the said Charles Lucas be thereof acquit &c.

Estate of Samuel Flint, } on petition for sale of real
deceased. } Estate, and order of sale.

Edward Gibson administrator as aforesaid by his attorney came, and brought here an account of his proceedings herein, together with the requisite oaths, whereby it appears to the Court here, that the order and directions made at last term, hath been duly carried into effect by the said administrator, Therefore let the said account of proceedings and oaths be filed here of record.

Estate of William } on petition for sale of real
Flynn senior, deceased. } Estate, and order of sale.

William Flynn junior administrator as aforesaid by his attorney came, and brought here an account of his proceedings herein, together with the requisite oaths, whereby it appears to the Court here, that the order and directions made at last term, hath been duly carrie

Tuesday 12 April 1814.

into effect by said administrator, Therefore let the said account of proceedings and oath be filed here of record:

Whereupon the Superior Court adjourned to nine O'Clock, Tomorrow morning

Alexr Stuart

Test.
Joseph McFerron,
Clerk.

As yet of the term of April 1814, on Wednesday, the third day of the term, the sixteenth day of the month, the Superior Court met at the town of Jackson aforesaid, at nine O'clock in the morning pursuant to adjournment.

Present the Honorable Alexander Stuart Esquire,
the Honorable John B. C. Lucas Esquire, and
the Honorable Silas Bent Esquire.
the Judges of the said Superior Court.

William [illegible], appellant, } an appeal from a decision of the Circuit Court County of Saint Genevieve.
versus
William Dunn, appellee.

The parties by their attornies came, and the Court having inspected the record and proceedings herein, [illegible] heard the same argued, for that it appears this Court hath no jurisdiction of this cause. Therefore it is considered that the same be dismissed.

Rufus Easton, } action of debt.
versus
Erasmus Ellis.

The parties by their attornies came, and neither party requiring a trial by jury and it being proved to the Court here, that seventy dollars and eighty cents of the debt in the declaration mentioned remain unpaid. Therefore it is considered by the Court that the plaintiff recover against the defendant the said debt so remaining unpaid, and also his costs in this suit expended. &c.

Abraham Bird, senr. } action of covenant
versus
[illegible], impleaded with [illegible] Robertson.

The plaintiff in [illegible] by Thomas H. Benton his attorney, and the defendant [illegible] his attorney came, and [illegible] defendant, for that it appears to the Court here that the plaintiff hath improperly sued out a writ of Capias in this case, Therefore it is considered that the defendant be discharged from his bail, and that the suit progress as if bail had not been required.

Joseph Baker, appellant,
versus
Rezin D. Bishop, appellee. } on appeal from a Judgment of the Circuit Court County of Cape Girardeau

The appellant by John Scott, and Jason Chamberlain his attornies, and the appellee by Thomas H. Benton his attorney came, and the appellant, on his affidavit filed, moved the Court here, to grant him a writ of audita querela, but no sufficient cause being shewn, the motion is by the Court overruled.

Ferguson Haile,
versus
Jemima Haile. } on petition and libel for a divorce.

The Libellant by his attorney came, and on his motion an alias Summons is awarded [illegible] by the Sheriff of the County of Saint Louis

[illegible]
versus
James Flanagan. } in Error.

The plaintiff by his attorney and the defendant by James Evans his attorney came, and thereupon, on motion of the plaintiffs, because it appears to the Court here that the writ of Error and proceedings of record herein have not been returned, the aforesaid [illegible] [illegible] by the Court awarded, [illegible] directed to Richard [illegible] [illegible] Clerk of the Superior Court holden for the County.

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of New Madrid, commanding him, to bring with him the said writ of error, and record of proceedings.

Edward Robertson,
versus } action of Covenant.
Isaac Davis (impleaded with George E. Hart.)

The plaintiff by John Scott and Robert Wash his attornies came, and permitted his suit to be discontinued. Therefore it is considered by the Court, that the defendant go thereof without day &c.

Whereupon the Superior Court, adjourned to nine O'Clock, tomorrow mornin

Test.
Joseph McFerron,
Clerk.

Alex. Stuart

Missouri, for the Southern circuit.

As yet of the term of April 1817 on Thursday the fourth day of the term, and seventeenth day of the month, the Superior Court met at the town of Jackson aforesaid, at nine o'clock in the morning pursuant to adjournment.

Present, the Honorable Alexander Stuart, Esquire, and the Honorable John B. C. Lucas, Esquire, Judges of the said Superior Court.

Benjamin Johnston,
versus } action of debt.
Jonathan Magness.

The parties by their attorneys came, and the Court being now sufficiently advised of and concerning the premises, Therefore it is considered that the demurrer be sustained, as to the first cause therein set down, and overruled in all other respects, it is further considered that the defendant do recover against the plaintiff his costs in this behalf expended &c. whereupon, on motion of the plaintiff leave is granted him to amend his declaration, at costs; and the declaration is hereby accordingly amended, and thereupon the plaintiff moved for judgment for want of a plea, the court overruled the motion. James Campbell [illegible] is now here entered, co-defendant agreeably to the order made at last term.

Mary Moore, by Samuel Gilbert her next friend,
versus } on petition for relief for
Joseph Moore. } a divorce.

This day the said Gilbert by Edward Hempstead his attorney came, and the defendant being solemnly called, came not, whereupon the Court here inquired into the circumstances of the complaint and the facts stated in the petition, being duly proved, it is ~~the [illegible]~~ considered by the Court, that the said Mary Moore be and

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she is hereby divorced from, the bonds of matrimony between her and the said Joseph [illegible] and it is considered and adjudged that the Libellants next friend recover against the defendant his costs in this behalf expended.

Joseph Baker, appellant, } on appeal from a Judgment of the Circuit Court
versus
Rezin L. Bishop, appellee. } County of [illegible]

The parties by their attornies came, and the appellant failing to assign errors herein, Therefore it is considered by the Court here that the Judgment aforesaid be in all things affirmed. It is further considered that the appellee do recover against the appellant as well his damages and costs aforesaid, as also his costs in this behalf expended. and that the appellee have execution thereof &c.

Elizabeth Campbell }
versus } action on the Case.
William James. }

The parties by their attornies came, and on motion of the defendant an affidavit filed, it is ordered that this cause be continued to next term at his costs. with consent of the parties Commissions to take depositions generally are awarded to them. [illegible] granted to amend the declaration, at costs.

William James, } on petition to vacate the summons
versus } [illegible]
William [illegible]. } [illegible]

[illegible]

[illegible] at his costs.

[illegible]

The Libellant [illegible]

Thursday April [illegible]

appearing to the satisfaction of the Court that the pluries summons issued at last term, hath been published in the Missouri Gazette, once a week for six weeks, this cause is continued to next term, and commissions to take depositions awarded to the Libellant.

James Lucas,
versus } action on the case – Trover.
Jacob Robertson, and Stephen Ross.

The plaintiff by his attorney, and the defendants by John Scott their attorney came, and with the consent of the plaintiff commissions to take depositions are awarded to the defendants.

Early Wallis assignee of Robert Clary.
versus } action on the case.
James Montgomery.

The parties by their attornies came, and on motion of the plaintiff, on reasons filed a new trial of this cause is granted, Commissions to take depositions generally awarded to the parties and this cause continued to next term.

Benjamin Thomas,
versus } action of covenant.
Emily Hunter administratrix of Samuel Hunter deceased.

The plaintiff by his attornies came, and on his motion a pluries summons against the defendants not yet summoned, directed to the Sheriff of the County of [illegible], is awarded and this cause is continued to next term.

[illegible],
versus } action of covenant.
Emily Hunter administratrix of Samuel Hunter deceased et al. The plaintiff by his attornies came and on his motion a pluries summons against the defendants not yet summoned, directed to

the Sheriff of the County of Howard is awarded and this cause is continued to next term.

Samuel Phillips
versus } action of debt
Stephen Ross.

Jason Chamberlain attorney for the plaintiff and the defendant in person came, and the said attorney suggesting the death of the plaintiff which is not denied, and refusing on the part of Elizabeth Phillips administratrix and Thomas Phillips administrator of the said Samuel Phillips now deceased to appear to this action, whereby this suit abates, Therefore it is considered by the Court that the defendant go thereof without day &c.

Jesse Hall
versus } action of covenant
James P. Edwards.

The plaintiff by his attorney came, and permitted his suit to be discontinued: Therefore it is considered by the Court that the defendant go thereof without day &c.

Whereupon the Superior Court adjourned until term. Alexr. Stuart

Missouri, for the Southern Circuit.

As yet of the term of April 1814 on friday the fifth day of the term, and eighteenth day of the month, the Superior Court met at the Town of Jackson aforesaid, at eight O'Clock in the morning pursuant to adjournment.

Present, the Honorable, Alexander Stuart, Esquire,
and the Honorable, John B. C. Lucas Esquire
Judges of the said Superior Court.

Whereupon the presiding Judge having signed the Records of the proceedings of this Court, of yesterday, after the same was here read over by the Clerk; the said Superior Court adjourned to next term.

Test.
Joseph McFerron,
Clerk.

Records of the Decrees, Judgments, Orders and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit of said Territory, at the Town of Jackson, in the County of Cape Girardeau, of the term of September in the year of our Lord, one thousand eight hundred and seventeen, and of the Independence of the United States of America, the forty second year.

On the third Monday of September aforesaid, the first day of said term, and fifteenth day of the month, the said Superi Court failing to be held, the Sheriff of the County of Cape Girardeau adjourned said Superior Court, until to morrow.

Test:
Joseph McFerron,
Clerk.

As part of the term of September 1817 contin day, the second day of the term, and sixteenth day of the month, the Superior Court of the Territory of Missouri, was held at the Town of Jackson aforesaid for said Southern Circuit.

Before the Honorable, Alexander Stuart Esqui
the Honorable, John B. C. Lucas Esquire
and the Honorable Silas Bent Esquire
the Judges of said Superior Court.

Henry L. Steel, Robert M. Stevenson, and Andrew McCormick,
versus } action of debt.
Israel McReady.

The plaintiffs by John Scott thei attorney, and the defendant by his attorn

Missouri, for the Southern Circuit.

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came, and on motion of the defendant, the Court having inspected the record and proceedings herein, for that it appears this case is not within the jurisdiction of this Court, Therefore it is considered by the Court here, that the same be hence dismissed and sent back to the Circuit Court for the County of Saint Genevieve. on motion and leave granted, the note filed herein is by the attorney of the plaintiffs withdrawn.

Benjamin Johnston
versus } action of Debt.
Jonathan Magness and James Campbell

The parties by their attornies came, and the attorney of the defendants moved the Court to dismiss this suit, for want of security for costs to the officers of this Court.

Perry Wallis assignee of Robert Clary,
versus } action on the case.
James Montgomery.

The parties by their attornies came and thereupon came a Jury, to wit: 1, Elley [illegible]-2, [illegible]-3, James [illegible]-4, Samuel Ravenscraft-5, Burrel Castillo-6, Martin Rodney-7, James B. Martin-8, Thomas S. Rodney-9, William Penny-10, Thomas Easter-11, Parish Green, and James Ravenscraft, who being elected tried and sworn, and having heard the evidence, upon their oath do say "we of the Jury find for the plaintiff, one thousand six hundred and twenty seven dollars in damages" Therefore, it is considered by the Court, that the plaintiff do recover against the defendant his said

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Damages, by the Jury in form aforesaid found, and also his costs in this suit expended &c.

Stephen Ross administrator of John Gallaher deceased,
versus } action on the case.
Robert McCoy surviving executor of Joseph Mitchell deceased.

The parties in their proper persons, and by their attornies came, and with their consent this cause is continued to next term.

John Cook came and presented a Commission from his Excellency William Clark Governor of the Territory of Missouri, appointing him Circuit attorney within and for the Southern Circuit of the Territory, with his oath of office thereon endorsed, whereupon the said John Cook is admitted in this Court accordingly. and also presented his License as an attorney and Counsellor at Law.

The Circuit attorney came, and on his motion, the Sheriff of the County of Cape Girardeau is by the Court directed to summon twenty four lawful men to serve as Grand Jurors, before this Court, on Thursday next, the eighteenth day of the present month, at nine o'clock in the morning, and a venire is accordingly awarded.

Whereupon the Superior Court adjourned to nine o'clock, tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Alexr Stuart

Missouri, for the Southern Circuit.

Adj'd of the term of September 1817 on Wednesday the third day of the term and seventeenth day of the month, The Superior Court met, at the Town of Jackson aforesaid at nine O'Clock in the morning, pursuant to adjournment.

PRESENT, the Honorable, Alexander Stuart Esquire
the Honorable, John B. C. Lucas Esquire
and the Honorable Silas Bent Esquire,
the Judges of said Superior Court.

Benjamin Johnston, }
versus } action of debt.
Jonathan Maguess and James Campbell. }

The parties by their attornies came, and the motion to dismiss this suit being argued, the same is by the Court overruled, whereupon the plaintiff by his attorney moved for leave, to file a new bond for costs and, the same being argued, the Court ~~will advise thereupon~~, overruled the motion.

James Lucas, }
versus } action on the case - Trover.
Jacob Robertson and Stephen Ross. }

The parties by their attornies came, and on motion, and affidavit of the plaintiff filed, this cause is continued to next term. On motion of the plaintiff Commissions to take depositions are awarded to him

William James, } on petition, to prove a
versus } supposed will of
William Dunn. } Timothy Kelly.

The parties by their attornies came, and on motion, and affidavit of the petitioner filed, this cause is continued to next term, at his costs. [illegible] and motion of the defendant commission to take the deposition of

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Ananias Mountz, who is about to leave the
Territory, is awarded to him. On motion
of the petitioner, and oath of Richard Ha
-kins, commissions to take the depositi
-ons of the said Richard Hawkins and
John Hawkins, who are about to leave the
Territory, are awarded to the petitioner.

Daniel F. Steinbeck, and George Henderson, admi
-nistrators with the will annexed of Louis Lo
-mier deceased- versus- } action of debt.
Ezekiel Able (impleaded with Jeremiah Able.)

The parties by their attornies came, and
on motion of the defendant, a Subpoena
duces tecum is awarded to Enoch Evans
a Justice of the peace in the County of Cape
Girardeau, to bring with (him) certain papers in
his office relating to this case.

Felicite Regnier alias Vallé by John F. Lou
her next friend- versus- } on petition or libel
Francois Regnier. } for a divorce.

The Libellant by her attorney came, and
the defendant being solemnly called came no
whereupon the Court here inquired into the
circumstances of the complaint and the fact
stated in the petition being duly proved, i
is thereupon sentenced and decreed by the
Court, that the said Felicite Regnier alias
Vallé be and she is hereby divorced from
the bonds of matrimony between her and
the said Francois Regnier, &c.

John Yates and others heirs of Thomas M
Yates deceased- versus- } action of Ejectmen
Robert English.

The parties by their attornies came, an
the demurrer joined herein be reargued, th

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Court will further advise thereupon.

Estate of Francois Caintelmi deceased. } On petition of administrator for sale of real Estate.

Robert W. Coy administrator of said deceased by John Scott his attorney came, and presented his petition, shewing among other things, that the deceased departed this life some time in the year one thousand eight hundred and six, that no letters of administration were granted on said estate until the same was granted to the petitioner, that at the time of granting said administration, nor at any time since has he been able, to find any personal property belonging to said estate, nor are there to his knowledge any debts due to said estate, that he is consequently unable to file with his petition any inventory, appraisement or list of sales. That at the time of the death of said deceased, he was justly indebted, the sum of six hundred and eighty five dollars and forty eight cents, being now due by said estate. That the deceased died owner of, seized and possessed (and which has since been confirmed) of one tract of land of seven hundred and fifty arpens, situate on the river Saint Francois in the County of New Madrid, wherefore he prays that the said tract of land be sold for the payment of the debts aforesaid. And having together with his said petition filed here an account upon his oath of the debts due by said estate, It is therefore ordered and directed by the Court, that the said Robert W. Coy administrator as aforesaid do sell at public

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sale, on tuesday the twenty first day of october next, being the second day of the next term of the Circuit Court, for the County of new madrid, between the hours of ten in the forenoon, and three in the afternoon of that day, at the Court house door, in said County, on a credit of twelve months, all the right, title, claim and interest of the said Francois Cantelmis at the time of his death, in and to the aforesaid tract of land: and that the said administrator do bring an accoun of his proceedings herein, to the next term of this Court, together with the requisite oath or affirmation. Of which sale the Clerk is ordered to make out five advertisements, one of which shall be published in the Missouri Gazette, for three weeks next preceding the day of sale.

Estate of Peter } on petition of administrato
Saffray deceased } for the sale of real Estate.

Robert Mc Cay administrator of said deceased, by John Scott his attorney came, and presented his petition shewing, among other things- That the deceased departed this life sometime in the year one thousand eight hundred and five- That no letters of administra were granted on said Estate until the eleventh day of december in the year one thousand eight hundred and sixteen, when the same was granted to the petitioner, that at the tim of granting said administration, nor at an time since, has he been able to find any personal property belonging to said Estate, nor a there, to his knowledge any debts due to said Estate, that he is consequently unable to file wi

Wednesday 14 September 1814.

his petition an inventory, appraisement, a list of sales, that at the time of the death of the deceased he was justly indebted in sundry sums now remaining in all due by said Estate the sum of about one thousand and sixty five dollars, seventy nine cents - That the said deceased died owner of, seized and possessed (and which has since been confirmed) of one tract of land of seven hundred and fifty arpens situate on the river Saint Francois in the County of new madrid - wherefore he prays that the said tract of land be sold for payment of the debts aforesaid. - And having together with his said petition filed here an account upon his oath of the debts due by said Estate It is therefore ordered and directed by the Court that the said Robert Mc Coy administrator as aforesaid do sell at public sale, on tuesday the twenty first day of October next, being the second day of the next term of the Circuit Court for the County of new madrid, between the hours of ten in the forenoon and three in the afternoon of that day, at the Courthouse in said County, on a credit of twelve months, all the right, title, claim and interest of the said Peter Saffray at the time of his death in and to the aforesaid tract of land. And that the said administrator do bring an account of his proceedings herein to the next term of this Court, together with the requisite oath or affirmation.

Of which sale the Clerk is ordered to make ut five advertisements, one of which shall e published in the Missouri Gazette, for

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three weeks next preceding the day of sale.

Whereupon, the Superior Court, adjourned to nine O'Clock, Tomorrow morning.

Test.   Alexr Stuart.
Joseph Wm. Ferran,
Clerk.

As yet of the term of September 1814 on thursday the fourth day of the term, and eighteenth day of the month, the Superior Court met at the Town of Jackson aforesaid at nine O'Clock in the morning, pursuant to adjournment.

Present the Honorable Alexander Stuart Esquire
the Honorable John B. C. Lucas Esquire,
and the Honorable Silas Bent Esquire,
the Judges of said Superior Court.

Frederick Bates for the use of the United States of America,
versus } action of Covenant.
Henry Dodge.

The plaintiff by Charles Lucas his attorney came, and signed Judgment for want of a plea, whereupon came the defendant by his attornies, and the said Judgment is by consent set aside, and oyer given to the defendant of the writings whereof profert is made in the declaration.

Frederick Bates for the use of the United States of America,
versus } action of Covenant
Henry Dodge, and Alexander Craighead,
(impleaded with Nicholas Wilson).

The plaintiff by Charles Lucas his attorney came, and signed Judgment for want of a plea, whereupon came the defendants by their attornies and the said Judgment is by consent set aside, and oyer given to the defendants of the writings whereof profert is made in the declaration.

Elizabeth Campster,
versus } action on the case.
William James.

The parties by their attornies came and on motion of the defendant an affidavit

Thursday 18 September, 1814.

filed. this cause is continued to next term, at his costs, on motion of the defendant an attachment is awarded to the County of Saint Genevieve, against Abigail Egans a witness for him, who has been served with a subpoena, and fails to attend, with an endorsement thereon, that she be released, on her husband or some other sufficient person, entering into recognizance before a Justice of the peace, in the sum of one hundred dollars for her personal appearance at the next term of this Court: also another attachment against Archibald Campster, a witness for him who has been served with a subpoena, and fails, to attend, directed to the same County with an endorsement thereon, that he be released, on some sufficient person entering into a recognizance, before a Justice of the peace, in the sum of one hundred dollars, for his personal appearance at the next term of this Court: and further on motion of the defendant a subpoena duces tecum is awarded to Thomas Oliver Clerk of the Circuit Court for the County of Saint Genevieve, to bring with him the warrant, examinations of witnesses and all other papers in his office relating to this case. on motion of the plaintiff an attachment against Nancy Burns, a witness for her who has been duly served with a subpoena and fails to attend, is awarded to the County of Saint Genevieve, with an endorse-

Thursday 18 September 1814.

-ment thereon, that he be released on his entering into recognizance before a Justice of the peace, in the sum of three hundred dollars, for his personal appearance at the next term of this Court: also on further motion of the plaintiff a subpoena duces tecum is awarded to Barnabas Burns a Justice of the peace in the County of Saint Genevieve to bring with him the original warrant on which the plaintiff was taken and imprisoned

The Sheriff of the County of Cape Girardeau, came and returned here the venire to him directed, together with a panel of the men he summoned by virtue thereof, to serve as Grand Jurors, who being called over came as follows 1, William Neely, who is by the Court appointed foreman of the Grand Jury. 2, James Summers, 3, Samuel Ravenscroft 4, Jacob Blunt 5, John Hitt 6, John McAllen 7, Ezekiel Able 8, Burrel Castillo 9, Samuel Parker 10, Joseph Thomas 11, Edward Hail 12, Fielding Glasscock 13, Gilbert Hector 14, James Dowty 15, John Sheppard 16, John Rodney 17, Robert Green 18, Isaac Williams 19, James Brankley 20, John Dowty 21, Thomas Atwell and 22, John Daugherty, who being impannelled, and sworn for the Southern Circuit of the Territory of Missouri diligently to enquire &c. and having been solemnly charged by the presiding

Thursday 18 September 1814.

Judges of this Court, the Grand Jurors aforesaid retired, to consult of their duties.

Abraham Bird senr.
versus } action of Covenant
John Brown (impleaded with Jacob Roberson)

The parties by their attornies came, and neither party requiring a trial by Jury, the law and the facts are determined by the Court, Therefore it is considered by the Court, that the plaintiff do recover against the defendant, one hundred thirty dollars and ninety four cents, for his damages by reason of the premises, and also his costs in this suit expended &c.

Daniel F. Steinbeck and George Henderson administrators with the will annexed of Louis Lorimier deceased,
versus } action of debt.
Ezekiel Able (impleaded with Jeremiah Able)

The parties by their attornies came, and the demurrer joined herein being argued, the Court will advise thereupon.

The Grand Jurors came, and preferred a bill of Indictment against one Solomon Carter, late of the County of Cape Girardeau, labourer, for the murder of one Jacob Cox, "a true bill".

The Grand Jurors were, thereupon, by the Court, discharged from further attendance here.

The Circuit attorney came, and on his motion, a Capias against the said

Thursday 18 September 1817.

Solomon Carter, to answer for the said murder of the said Jacob Cox, is by the Court awarded into the County of Lawrence.

John W. Maxwell came, and acknowledged himself indebted to the United States of America, in the sum of one hundred and fifty dollars, to be made of his goods and chattels, lands and tenements for the use of the Territory of Missouri—on condition that if he shall personally appear at the next term of this Court, and give evidence to the Jurors that shall pass on the trial of the said Solomon Carter for the said murder of the said Jacob Cox, and not depart thence without leave of the Court, then this recognizance to be void, otherwise of force.

Jacob Philipson and Samuel Philipson
versus
Thomas Oliver. } action on the case.

The parties by their attornies came, and the demurrer joined herein being argued, it appears to the Court here, that the declaration is insufficient in law &c. Therefore it is considered by the Court, that the demurrer be sustained, and that the defendant do recover against the plaintiffs his costs in this behalf expended &c. And thereupon, on motion, and leave granted, at costs, the plaintiffs amend their declaration.

Whereupon the Superior Court

The Record of the Superior Court of the Territory of

Thursday 18 September 1817.

adjourned to nine O'Clock, Tomorrow morning.

Test.
Joseph McFerron,
Clerk.

John B. [illegible]

As yet of the term of September 1814 on Fri-day the fifth day of the term, and nineteenth day of the month, the Superior Court met at the Town of Jackson aforesaid, at nine o'Clock in the morning pursuant to adjournment.

Present. the Honorable Alexander Stuart Esquire
the Honorable, John B. C. Lucas Esquire,
and the Honorable Silas Bent Esquire,
the Judges of said Superior Court.

Frederick Bates for the use of the United States of America,
versus } action of Covenant
Henry Dodge.

The parties by their attornies came, and demurrer being joined herein, this cause is continued to next term.

Frederick Bates for the use of the United States of America,
versus } action of Covenant.
Henry Dodge and Alexander Craighead
(impleaded with Nicholas Wilson)

The parties by their attornies came, and demurrer being joined herein, this cause is continued to next term.

John Yeaters and others, heirs of Thomas Yeaters deceased
versus } action of Ejectment.
Robert English.

The parties by their attornies came, and the Court being now sufficiently advised, for that it appears the declaration is insufficient in law &c. Therefore it is considered by the Court that the demurrer be sustained, and that the defendant

Friday 9 September 1814.

do recover against the plaintiffs his costs in this behalf expended &c. whereupon on motion of the plaintiffs leave is granted them to amend their declaration, at their costs.

Daniel F. Steinbeck, and George Henderson, administrators with the will annexed of Louis Lorimier deceased,
versus } action of debt.
Ezekiel Able (impleaded with Jeremiah Able)

The parties by their attornies came, and the Court being now sufficiently advised, for that it appears the declaration is insufficient in law &c. Therefore it is considered by the Court, that the demurrer be sustained, and that the defendant do recover against the plaintiffs his costs in this behalf expended &c. whereupon on motion, and leave granted, at costs the plaintiffs amend their declaration.

Perly Wallis assignee of Robert Clary,
versus } action on the case.
James Montgomery.

The parties by their attornies came, and on motion of the defendant on affidavits filed, a new trial of this (cause) is granted by the Court, on payment of costs, and this cause is continued to next term.

James Lucas,
versus } action on the case trover.
Jacob Robertson, and Stephen Ross.

The plaintiff by his attorney came, whereupon came the defendant Stephen

Missouri, for the Southern Circuit.

Friday 9 September 1814.

Rossel by Thomas H. Benton his attorney who moved the Court to quash the affidavit on which bail was ordered in this case, which being heard and argued, the Court will advise thereupon.

Ezekiel Able,
versus } in Error.
James Flanegan.

The parties by their attornies came, and the errors assigned therein being heard and argued, the Court will advise thereupon.

Jacob Jarrett,
versus } action on the Case.
Edward H. Matthews.

The parties by their attornies came, and on motion of the defendant, commissions to take depositions are awarded to him.

Whereupon, the Superior Court adjourned to nine O'Clock Tomorrow morning.

Alexr Stuart

Test.
Joseph McFerron,
Clerk.

as yet of the term of September 1814. on saturday the sixth day of the term, and twentieth day of the month, the Superior Court met at the Town of Jackson aforesaid, at nine O'Clock in the morning pursuant to adjournment.

Present, the Honorable Alexander Stuart, Esquire
the Honorable John B. C. Lucas, Esquire,
and the Honorable Silas Bent, Esquire,
the Judges of said Superior Court.

Rachael Daugherty, administratrix of Benjamin Daugherty, deceased,
versus } action of debt.
Andrew M. Ramsey.

The parties by their attornies came, and demurrer being joined herein this cause is continued, to next term.

James Lucas,
versus } action on the case. Trover.
Jacob Robertson, and Stephen Ross.

The parties aforesaid by their attornies came, and the Court being now sufficiently advised, on the said affidavit appearing good, Therefore the motion is overruled.

Jacob Garrett,
versus } action on the Case.
Edward H. Matthews.

The parties by their attornies came, and issue being joined herein and pleas traversed, this cause is continued to next term.

Ferguson Haile,
versus } on petition or libel for
Jemima Haile. } a divorce.

The petitioner by his attorney came, whereupon this cause is continued to next term.

Saturday 28th September 1844.

Benjamin Hodges,
versus } action of Covenant
Charity Hintch, and others.

The plaintiff by his attorney and the defendants by Thomas H. Benton their attorney came, and on motion of the defendants, the separate summonses in this case are quashed for irregularity, whereupon the plaintiff permits his suit to be discontinued, Therefore it is considered by the Court, that the defendants do recover against the plaintiff their costs in this behalf expended &c.

Gerrard Green,
versus } action of Covenant.
Charity Hintch and others.

The plaintiff by his attorney, and the defendants by Thomas H. Benton their attorney came, and on motion of the defendants, the separate summonses in this case are quashed for irregularity, whereupon the plaintiff permits his suit to be discontinued, Therefore it is considered by the Court, that the defendants do recover against the plaintiff their costs in this behalf expended &c.

William Easton,
versus } action of debt.
David Magness.

The plaintiff by his attorney came and on his motion, an alias Capias is awarded.

Benjamin Johnston,
versus } action of debt.
Jonathan Magness, and James Campbell.

The parties by their attornies came

Saturday 24 September 1814.

and an issue being joined herein, this cause is continued to a next term.

Ezekiel Able,
versus } in Error.
James Flanegan.

The parties by their attornies came, and the Court being now sufficiently advised, and having inspected the record and proceedings herein, for that manifest error appears therein, Therefore it is considered by the Court here that the said Judgment be reversed and set aside, that the cause be remanded to the Circuit Court for the County of new madrid, there to be tried anew, and that the plaintiff do recover against the defendant his costs in this behalf expended. Which is ordered to be certified to the said Court.

William James - versus - William Dunn. on petition

on motion It is ~~[illegible]~~ ordered by the Court that ~~[illegible]~~ all ~~[illegible]~~ fees which (have) accrued in (this) suit ~~[illegible]~~ the plaintiff has (=ving?) taken no steps for two Courts successively taking his suit to answer, ~~[illegible]~~ ~~[illegible]~~, ~~[illegible]~~ be included in the fee bill, which it is lawful for the Clerk to make out and as agreed, by the 17th section of "an act ascertaining the "fees of the several officers and persons "therein named and regulating the payment of costs on indictments".

Whereupon the Court adjourned to a next term.

Test
Joseph McFerron,
Clerk.

Alexr. Stuart

Record of the Decrees, Judgments, orders and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit of said Territory, at the Town of Jackson, in the County of Cape Girardeau, at the term of April, in the year of our Lord, one thousand eight hundred and eighteen, and of the Independence of the United States of America, the forty second year.

On the third monday of April aforesaid, the first day of said term, and twentieth day of the month, the said Superior Court failing to be held, John Hays, Sheriff of the County of Cape Girardeau aforesaid, adjourned said Superior Court, until Tomorrow.

Test.
Joseph McFerron, Clerk.

* * *

On tuesday, the second day of the term and twenty first day of April, in the year aforesaid, the said Superior Court failing to be held, the said Sheriff, adjourned said Superior Court, until Tomorrow.

Test.
Joseph McFerron, Clerk.

* * *

On wednesday, the third day of the term and twenty second day of April, in the year aforesaid, the said Superior Court failing to be held, the said Sheriff, adjourned said Superior Court, until Tomorrow.

Test.
Joseph McFerron, Clerk.

* * *

Term of April 1818.

On Thursday the fourth day of the term, and twenty third day of April, in the year aforesaid, the said Superior Court failing to be held, the said Sheriff, adjourned said Superior Court, until Tomorrow.

Test.

Joseph McFerron, Clerk.

On Friday the fifth day of the term, and twenty fourth day of April in the year aforesaid, the said Superior Court still failing to be held, the said Sheriff adjourned said Superior Court, to the next term of said Court, the third monday of September next, to which time all causes now depending in said Superior Court shall be continued.

Test.

Joseph McFerron, Clerk.

Missouri, for the Southern Circuit.

Term of September 1818.

Record of the Decrees, Judgments, Orders, and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit of said Territory, at the Town of Jackson in the County of Cape Girardeau of the Term of September, in the year of our Lord, one thousand eight hundred and eighteen, and of the Independence of the United States of America, the forty third year.

On the third Monday of September, in the year aforesaid, the first day of said term, and twenty first day of the month, the said Superior Court was held as aforesaid.

Before the Honorable Silas Bent Esquire,
and the Honorable Alexander Stuart Esquire,
Judges of said Superior Court.

Perly Wallis assignee of Robert Clary,
versus } action on the Case.
James Montgomery.

The parties by their attornies came, whereupon came a Jury, to wit. 1, John Wright, 2, Jacob Campbell, 3, William Thompson, 4, John Wilson, 5, Thomas Morgan, 6, Anthony Randol, 7, Andrew Martin, 8, Isaac Thompson, 9, John Daugherty, 10, Joseph Lewis, 11, John Howard, and 12, William McClain, who being elected tried and sworn, and having heard the evidence, upon their oaths do say "We of the Jury find for the defendant." Therefore it is considered by the Court, that the plaintiff take nothing by his writ &c. and that the defendant go thereof without day &c. it is further considered that the defendant do recover against the plaintiff

Monday 21 September 1818.

his costs in this behalf expended &c.

Benjamin Johnston, }
versus } action of debt.
Jonathan Magness and James Campbell.

The plaintiff, and the defendant Jonathan Magness by their attornies came, whereupon to try the issue herein joined, came a Jury to wit: 1, Elisha Sheppard, 2, Joseph Thorn, 3, William Mansker, 4, Jeremiah Masterson, 5, Austin Young, 6, Phillips Young, 7, Henry Whittenberg, 8, William Boyd, 9, William Sheppard, 10, John Welty, 11, Andrew M. Ramsey, and 12, Charles Mothershead, who being elected tried and sworn, upon their oath do say "we of the Jury find for the plaintiff the "debt in the declaration mentioned, and assess his damages by reason of detaining "the said debt to one hundred and eighty "seven dollars" Therefore it is considered by the Court, that the plaintiff do recover against the said defendant, his said debt, and his damages aforesaid by the Jury in form aforesaid assessed, and also his costs in this suit expended &c.

Estate of }
Pierre Charles dehault } on petition of surviving administrator for the sale
delassus deluziere deceased. } of Lands.

Mary Phillip Leduc surviving administrator of said deceased, by John D. Cook his attorney came, and presented his petition, shewing among other things, That at the time of the death of the said deceased, there were, existing against him a [illegible]

Monday 21 September, 1848.

debts, of which there remains yet unsatisfied, for the want of assets in the hands of the petitioner, the debt due from said decedent to Charles Dehault Delassus, for which the petitioner as surviving administrator as aforesaid, has confessed Judgment in the office of the Clerk of the Circuit Court of Ste. Genevieve County, for the sum of forty eight thousand three hundred and nine dollars, sixteen and one half cents — that the petitioner has no assets or effects of the said decedent now remaining in his hands wherewith to satisfy the said Judgment — That the said deceased died seized and possessed of the following tracts of land, situate in the County of Ste. Genevieve, which were granted to him by Zeno Trudeau, in the manner following to wit. one tract containing seven thousand and fifty six arpens situate on the forks of the river St. Francois otherwise called La-barie, granted as aforesaid on the first day of April in the year one thousand seven hundred and ninety seven — also one tract containing four hundred arpens adjoining the plantation of the late Camille delassus granted as aforesaid on the 6th of April 1798. also one tract containing three hundred and ten arpens adjoining the said plantation of the said Camille delassus, granted as aforesaid on the twenty fifth day of November in the year one thousand seven hundred & ninety eight — also one tract containing one hundred arpens on the south forks of the river Areaso, granted as aforesaid on the

Monday 21 September 1818.

twentieth day of January in the year seventeen hundred (and ninety eight) - also one tract of land containing one thousand arpens situate on the road leading to the river aux vases pinery, granted as aforesaid on the 25 day of January in the year seventeen hundred and ninety eight - And one other tract containing five hundred arpens and one half arpent adjoining the last above mentioned tract of one thousand and granted as aforesaid, on the twenty fifth day of november in the year seventeen hundred and ninety eight. Wherefore the petitioner prays that the sale of the said several tracts of land or so much thereof as may be necessary to pay & satisfy the said debt & Judgment may be ordered agreeably to law - and the petitioner having filed here with his said petition, the list of debts exhibited against the Estate of said deceased, upon his oath, as also a certified copy of the appraisement and account of sales of said Estate - Therefore it is ordered and directed by the Court here, that the said ~~[illegible] Phillips [illegible] administ~~-trator as aforesaid, do sell at public sale, on wednesday the third day of February next, being the third day of the next February term of the Circuit Court, for the County of Saint Genevieve, between the hours of ten in the forenoon and three in the afternoon of that day, at the Court house door in the Town of Saint Genevieve, on a credit of twelve months, all the right title, claim, and interest of the said Pierre Charles dehault delassus deluziere at the time of his death in, and to so much of the aforesaid tracts of land, as will raise a sum sufficient to pay and satisfy the debt and Judgment aforesaid, beginning with the first before mentioned tract of land, and proceeding with the sale of them, in the order they are before stated and described, each tract or parcel, of the said tracts of land to be cried not less than fifteen minutes, before bid off. it is further ordered that the said surviving administrator do bring an account of his proceedings herein to the next term of this Court, together with the requisite oath or affirmation.

Of which sale the Clerk is ordered to make out five advertisements, one of which shall be published in the Missouri Gazette, for three weeks next preceding the day of sale.

Whereupon the Superior Court adjourned to nine O'Clock, tomorrow morning.

Test.
Joseph McFerron,
Clerk.

On tuesday the second day of the term, and twenty second day of September, in the year 1818- The Superior Court, met at nine o'Clock in the morning pursuant to adjournment.

Present the Honorable,
Silas Bent Esquire,
and the Honorable,
Alexander Stuart Esquire,
Judges of said Superior Court.

James Lucas,
versus } action on the Case Trover.
Jacob Robertson, and Stephen Ross.

The parties by their attornies came, and with their consent, the plaintiff reserving the inquiry of damages herein, it is considered by the Court, that the plaintiff do recover against the defendants his costs in this suit expended &c.

Jacob Jarrett,
versus } action on the Case.
Edward H. Mathews.

The parties by their attornies came, and the plaintiff permits his suit to be discontinued- Therefore, with consent of the parties here, it is considered by the Court, that the plaintiff do recover against the defendant his costs in this suit expended &c.

Frederick Bates for the use of the United States of America,
versus } action of Covenant.
Henry Dodge.

The parties by their attornies came,

and the demurrer joined herein, being heard and argued, it appears that the declaration is not sufficient in law &c. Therefore it is considered by the Court, that the demurrer aforesaid be sustained, that the plaintiff take nothing by his writ &c. and that the defendant do thereof go without day &c. It is further considered, that the defendant do recover against the plaintiff his costs in this behalf expended &c.

Frederick Bates for the use of the United States of America, } action of
versus } Covenant.
Henry Dodge, and Alexander Craighead, (impleaded with Nicholas Wilson)

The parties by their attornies came, and the demurrer joined herein being heard and argued, it appears that the declaration is not sufficient in law &c. Therefore it is considered by the Court, that the demurrer aforesaid be sustained, that the plaintiff take nothing by his writ &c. and that the defendants do thereof go without day &c. It is further considered that the defendants do recover against the plaintiff their costs in this behalf expended &c.

Rachael Daugherty administratrix of Benijah Daugherty deceased,
versus
Andrew M. Ramsey. } action of debt.

Tuesday 22 September 1848.

The parties by their Attornies came, and the demurrer joined herein being heard and argued, the Court are thereupon divided in opinion - Therefore this cause is continued, for a full Court, to next term.

William James,
versus } on petition to prove
William Dunn. } a supposed will.

The parties by their attornies came, and on motion of the petitioner a writ of attachment, into the County of Saint Genevieve, returnable instanter, against Lalin Burgett, a witness for him, who hath been duly served with a subpoena, and came not on being solemnly called, is by the Court awarded.

Elizabeth Carpenter,
versus } action on the case.
William James.

The parties by their attornies came, and the defendant moved for a writ of attachment against Thomas Oliver Es-quire Clerk of the Circuit Court for the County of Saint Genevieve, who hath been served with a subpoena duces tecum, and came not on being solemnly called, whereupon the Court will advise.

Whereupon the Superior Court adjourned to nine o'Clock tomorrow morning.

Silas Bent

Test.
Joseph McFerron,
Clerk.

Missouri, held for the Southern Circuit

On Wednesday the third day of the term and twenty third day of September in the year 1818. The Superior Court met at nine O'Clock in the morning, pursuant to adjournment.

Present the Honorable Silas Bent Esquire, and
the Honorable Alexander Stuart Esquire
Judges of said Superior Court.

William Ramsey Executor of Peter Craig, deceased — versus — } action on account.
William Matthews. }

The parties by their attornies came, and the record and proceedings herein, being seen, it appears that the case in controversy is under the value of one hundred dollars, and not within the jurisdiction of this Court — Therefore it is considered by the Court here, that this cause be hence dismissed, and sent back to the Circuit Court for the County of Cape Girardeau.

Jonas Whittenberg, appellant,
versus } action of Replevin.
John Whittenberg, appellee.

The parties by their attornies came, and the appellant moved to cancel his bond herein, and for leave to file a new bond, but the Court overruled the motion.

William James, }
versus } on petition to prove
William Dunn. } a supposed will.

The parties by their attornies came, and the petitioner moved for a continuance of this cause, on his affidavit filed, but the Court overruled the motion,

Wednesday 23 September 1818.

whereupon taking the issue herein joined, came a Jury, to wit 1, William Mansker, 2, Jesse Haile, 3, John Hazard, 4, David Holley, 5, James C. Wilson, 6, Andrew W. Ramsey, 7, George Ray, 8, Gabriel Cann, 9, Henry Whittenberg, 10, Solomon R. Bolin, 11, Charles Mattershead, and 12, Nathaniel Balance, who being elected, tried and sworn: the petitioner offered to give in evidence a certain instrument of writing purporting to be the last will and testament of Timothy Kelly, to which the defendant by his attornies objected, and prayed the Court to exclude the same from the Jury, it appearing that one of the two witnesses thereto hath made his mark, and thereupon the parties were heard in argument.

Whereupon the Superior Court, adjourned to nine O'Clock, Tomorrow morning.

Test.

Silas Bent

Joseph McFerron,
Clerk.

Missouri, held for the Southern Circuit

On Thursday, the fourth day of the term, and twenty fourth day of September in the year 1818 — The Superior Court met at nine o'clock in the morning, pursuant to adjournment.

Present. the Honorable, John B. C. Lucas Esquire
the Honorable Silas Bent Esquire, and
the Honorable Alexander Stuart Esquire
the Judges of said Superior Court.

William James,
versus } on petition to prove a supposed will.
William Quinn.

The parties by their attornies came, and thereupon the Jurors of the Jury aforesaid returned here, and the said objection being overruled by the Court, the said instrument of writing is given in evidence to the Jury, whereupon the Jurors of the said Jury, upon their oath aforesaid do say "We of the Jury find that the said supposed will, is not the will of Timothy Kelly" and thereupon the petitioner moved for a new trial herein on reasons filed.

Jonas Whittenberg, appellant,
versus } action of Replevin.
John Whittenberg, appellee.

The parties by their attornies came, and with their consent this cause is continued to next term, at appellee's costs — on motion of the appellant Commissions to take depositions are awarded to him — on motion of the appellee Commissions to take depositions are awarded to him.

The Record of the Superior Court, of the Territory of
Thursday 24th September 1818.

Stephen Ross administrator of John Gallaher deceased - versus - } action on the Case.
Robert McCoy, surviving Executor of Joseph Mitchell deceased..

The parties by their attornies came, and with their consent, this cause is continued to next term. By consent of the parties here, the deposition of John Ruddell, may be taken at any time and place, on giving legal notice.

John Yates and others, Heirs and legal Representatives of Thomas G. Yates deceased, versus - } action of Ejectment.
Robert English.

The parties by their attornies came, and issue being therein joined, thereupon came a Jury, to wit: 1, Robert Patterson, 2, Abraham Daugherty, 3, Thomas Boice, 4, Andrew Martin, 5, Levi Bennet, 6, William Crawcraft, 7, William Hand, 8, Richard Waller, 9, Josiah Vincent, 10, George Fricke, 11, John Finnemore, and 12, Hutchinson Martin, who being elected tried and sworn &c.

Whereupon the Superior Court adjourned to nine O'Clock tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Silas Bent

Missouri, held for the Southern Circuit

On friday the fifth day of the term, and twenty fifth day of September, in the year 1818- The Superior Court met at nine O Clock in the morning, pursuant to adjournment.

Present- the Honorable, John B. C. Lucas Esquire,
the Honorable, Silas Bent Esquire, and
the Honorable, Alexander Stuart Esquire
the Judges of said Superior Court.

John Waters and others, Heirs and legal Representatives of Thomas Waters deceased,
versus-
Robert English. } action of Ejectment.

The defendant by his attornies, and the Jurors of the said Jury came, whereupon the plaintiffs being solemnly called, came not, nor do they further prosecute herein, Wherefore it is considered by the Court, that the plaintiffs take nothing by their writ &c and that the defendant do thereof go without day &c. It is further considered that the defendant do recover against the plaintiffs his costs in this behalf expended &c. It is granted by the Court, that a motion may be made at the present term to set aside this nonsuit, and cause shewn without argument.

Elizabeth Carpenter,
versus-
William James. } action on the Case.

The parties by their attornies came, whereupon came a Jury, to wit. 1 Phinehas Coburn, 2, Jeremiah Masterson, 3, John Davis, 4, Jesse Haile, 5, William Sheppard, 6, Samuel Perry, 7, Josias Manifee, 8, Charles Motherhead, 9, John Walker, 10, James Craig, 11, Levi Bennet, and 12, Thomas

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Boice, who being elected, tried and sworn &c.

Whereupon, the Superior Court, adjourned to nine O'Clock, Tomorrow morning.

Test.
Joseph V. Garnier,
Clerk.

John B. C. Lucas

On saturday the sixth day of the term, and twenty sixth day of September, in the year 1818 - The Superior Court, met at nine O'clock in the morning pursuant to adjournment.

Present the Honorable, John B. C. Lucas, Esquire,
the Honorable, Silas Bent Esquire, and
the Honorable, Alexander Stuart Esquire,
the Judges of said Superior Court.

Elizabeth Campster, }
versus - } action on the Case.
William James. }

The parties by their attornies, and the Jurors of the said Jury came, whereupon the Jurors aforesaid, having heard the evidence, upon their oath do say - "We of the Jury find the defendant guilty, and assess the plaintiff's damages to seven hundred dollars" - Therefore it is considered by the Court, that the plaintiff do recover against the defendant, her said damages by the Jury in form aforesaid assessed, and also her costs in this suit expended &c.

Benjamin Johnston, }
versus - } action of debt.
Jonathan Magness and James Campbell.

The plaintiff by his attorney, and the defendant James Campbell in his proper person came, and the said defendant defends the wrong and injury when &c. and says nothing in bar or preclusion of the said action of the plaintiff, whereby the plaintiff remains therein undefended against him - Therefore it is considered by the Court, that the plaintiff do recover against the said defendant, five hundred twenty seven dollars and fifty five cents the debt in the declaration mentioned, and one hundred and eighty seven

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dollars, for his damages by reason of detaining the said debt, and also his costs in this suit expended &c.

Jacob Philipson and Samuel Philipson,
versus
Thomas Oliver. } action on the Case.

The parties by their attornies came, and this cause is continued to next term.

Daniel F. Steinbeck and George Henderson administrators with the will annexed of Louis Lorimier deceased, - versus - } action of debt.
Ezekiel Able (impleaded with Jeremiah Able.

The parties by their attornies came, and this cause is continued to next term.

Ferguson Haile,
versus } on petition or libel, for
Jemima Haile. } a Divorce.

The petitioner by his attorney came, and this cause is continued to next term.

Ezekiel Able, } on writ of Error to reverse
versus } a Judgment of the Circuit Court
Rufus Easton. } County of Cape Girardeau.

The parties by their attornies came, whereupon the record and proceedings [illegible] judgment aforesaid being seen, and the matters aforesaid for error assigned being heard and argued, the Court will thereupon advise &c.

Whereupon the Superior Court adjourned to nine O'Clock in the morning, on monday next, the twenty eighth day of the present month.

Test.
Joseph McFerron,
Clerk.

Silas Bent

Missouri, held for the Southern Circuit

On Monday, the seventh day of the term, and twenty eighth day of September in the year 1818 – The Superior Court met at nine O'Clock in the morning; pursuant to adjournment.
Present, the Honorable, Silas Bent, Esquire, and the Honorable, Alexander Stuart Esquire Judges of said Superior Court.

Reuben Trumbull,
versus –
John Logan impleaded with James B. Baily. } action on the case.

The parties by their attornies came, and this cause is continued to next term.

David Dodge,
versus
Samuel B. Ober. } action on the case.

The plaintiff by his attorney came, and permitted his suit to be discontinued – Therefore it is considered by the Court, that the defendant thereof go without day &c. and that he do recover against the plaintiff his costs in this behalf expended &c.

Charles Ellis,
versus –
Alexander L. Walker, and Moses Graham. } action of debt.

The parties by their attornies came, and this cause is continued to next term.

William Castus,
versus
David Magness. } action of debt.

The plaintiff by his attorney came, and this cause is continued to next term.

Augustin Lorimer, otherwise called Bouguinville Lorimier – versus – Manuel Lisa for the use of William Morrison. } on writ of error, to reverse a Judgment of the Circuit Court County of Cape Girardeau.

The parties by their attornies came, and this cause is continued to next term.

Ezekiel Able,
versus
Margaret Taylor. } on writ of error to reverse a Judgment of the Circuit Court County of Cape Girardeau.

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The parties by their attornies came, and this cause is continued to next term.

Rebecca Harbison,
versus } action on the Case.
Andrew Scott.

The plaintiff by her attorney came, and this cause is continued to next term.

René Paul and Ninian Edwards,
versus } action of debt.
John Cammack.

The parties by their attornies came, and this cause is continued to next term.

René Paul and Ninian Edwards,
versus } action on the Case.
John Cammack

The parties by their attornies came, and this cause is continued to next term.

David Castleman and others,
versus } action on the case.
George W. Calloway and John Burdett.

The parties by their attornies came, and this cause is continued to next term.

John Barnes,
versus } action on the Case.
Thomas [illegible] and William [illegible]

The parties by their attornies came, and this cause is continued to next term.

Moses Graham,
versus } on writ of Error to reverse a Judgment of the Circuit Court County of Lawrence.
Christian Vilt.

The parties by their attornies came, whereupon the record, proceedings and Judgment aforesaid being seen and the matters aforesaid for error assigned being heard and argued, and by the Judges here fully understood, and mature deliberation being thereupon (had) it appears to the Judges here, that there is no error either in the records, proceedings or Judgment aforesaid:— Therefore it is considered by the Court here, that the Judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force, the matters aforesaid for error assigned notwithstanding: it is further considered, that the defendant have a return of the goods aforesaid, and that he do recover against the plaintiff his costs aforesaid, as also his costs in this behalf expended &c.

Robert Scott, who sues for the use of John Scott,
-versus- } action of debt.
Henry Cassidy (impleaded with Patrick Cassidy)

The parties by their attornies came, and this cause is continued to next term.

Benjamin Johnston } on Judgment, in an
versus } action of debt.
Jonathan Magness, and James Campbell.

The plaintiff by his attorney, and the defendant Jonathan Magness by his attorney came, whereupon the said defendant moved the Court, to grant him a writ of error coram vobis, on the Judgment aforesaid, which being heard and argued, the Court will thereupon advise &c. a day is therefore given to the parties aforesaid at next term.

James Thompson, } on Scire facias to revive
versus } a Judgment in Case.
Thomas Berwick administrator of George A. Hamilton deceased.

The plaintiff by his attorney came, and the defendant although solemnly called came not, but made default: Therefore it is considered by the Court that the plaintiff have his execution against the defendant of the damages and costs aforesaid according to the force form and effect of the said recovery &c. It is further considered, that

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the plaintiff do recover against the defendant his costs in this suit expended, of the goods and chattels of the said deceased to be made &c.

Present the Honorable John B. C. Lucas Esquire, a Judge of said Superior Court.

Ezekiel Able, versus Rufus Easton. } On writ of error to reverse a Judgment of the Circuit Court County of Cape Girardeau.

The parties by their attornies came, and the matters aforesaid for error assigned, being, on leave granted, further argued and heard, the Court will thereupon further advise &c. and this cause is continued to next term.

William James, versus William Dunn. } On petition to prove a supposed will.

The parties by their attornies came, and the motion aforesaid for a new trial, being argued by the petitioner's counsel, and examined, for that no sufficient reason is shewn, the said motion is by the Court overruled. Therefore it is considered by the Court here, that the petitioner take nothing by his said petition, that the defendant thereof go without day and that he recover against the petitioner his costs in this behalf expended &c.

Estate of Francois Cardinau deceased. } On petition, and order for the sale of Land.

The said administrator by John D. Cook his attorney came, and on his motion and affidavit filed, leave is granted him to bring an account of his proceedings to next term.

Estate of Peter Buffray deceased. } On petition and order for the sale of Land.

The said administrator by John D. Cook his attorney came, and on his motion and

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affidavit filed, leave is granted him taking an account of his proceedings to next term.

Estate of Benijah Daugherty deceased. On petition of the administratrix for sale of a preemption right

Rachel Daugherty administratrix of said deceased, by Johnson Ranney her Attorney came and presented her petition shewing among other things - that the personal property of said deceased was sold for two hundred fifteen dollars sixty nine and one fourth cents - that the just debts exhibited against said Estate, amount to about two hundred ninety two dollars, fifty cents - the petitioner therefore prays a sale of an improvement preemption right belonging to the said Estate, on Hubble creek in the Township of Cape Girardeau and County of Cape Girardeau, for discharging said debts - and the petitioner having filed herewith her said petition, a copy of the Inventory of said Estate, a list of the sales of the personal property, and an account of the debts of said intestate, which have come to her knowledge, upon her oath - Therefore it is ordered and directed by the Court here, that the said administratrix do sell at public sale on Wednesday the tenth day of February next being the third day of the next February term of the Circuit Court for the County of Cape Girardeau between the hours of ten in the forenoon and three in the afternoon of that day, at the Court house door in the Town of Jackson, on a credit of twelve months, all the right, title claim and interest of the said Benijah Daugherty, at the time of his death, in and to the said

Monday 28 September 1818.

improvement preemption right, which is to be cried not less than fifteen minutes, before bid off - it is further ordered that the said administratrix do bring an account of her proceedings herein to the next term of this Court together with the requisite oath or affirmation of which sale the Clerk is ordered to make out five advertisements, one of which shall be published in the Missouri Gazette for three weeks next preceding the day of sale.

Whereupon the Superior Court adjourned to seven O'Clock, Tomorrow morning.

Test.
Joseph McFerron,
Clerk.

John B. C. Lucas

Missouri, held for the Southern Circuit

On tuesday, the eighth day of the term, and twenty ninth day of September, in the year 1818. The Superior Court met at seven O'Clock in the morning pursuant to adjournment.

Present, the Honorable, John B. C. Lucas Esquire
the Honorable, Silas Bent, Esquire, and
the Honorable, Alexander Stuart Esquire
the Judges of said Superior Court.

Whereupon the Superior Court adjourned to next term.

John B. C. Lucas

Test.
Joseph McFerron,
Clerk.

The Record of the Superior Court, of the Territory of

Term of February 1819.

Record of the Decrees, Judgments, orders, and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit of said Territory at the Town of Jackson, in the County of Cape Girardeau, of the term of February, in the year of our Lord, one thousand eight hundred and nineteen, and of the Independence of the United States of America, the forty third year.

On the second monday of February, in the year aforesaid, the first day of said Term and eighth day of the month, the said Superior Court failing to be held, John Hays Sheriff of the County of Cape Girardeau aforesaid, adjourned said Superior Court until Tomorrow.

Test.
Joseph McFerron,
Clerk.

On tuesday the second day of the term and ninth day of February in the year aforesaid the said Superior Court still failing to be held, the said Sheriff adjourned said Superior Court, until Tomorrow.

Test.
Joseph McFerron,
Clerk.

On [illegible] tenth day of February, in the year aforesaid, the said Superior Court, still failing to be held, the said Sheriff, adjourned said Superior Court until Tomorrow.

Test.
Joseph McFerron,
Clerk.

Missouri, held for the Southern Circuit.

Term of February 1819.

On Thursday the fourth day of the term, and eleventh day of February, in the year aforesaid, the said Superior Court, still failing to be held, the said Sheriff adjourned said Superior Court, until tomorrow.

Test.
Joseph McFerron,
Clerk.

On Friday the fifth day of the term and twelfth day of February, in the year aforesaid, the said Superior Court, still failing to be held, Joseph McFerron the Clerk of said Superior Court, adjourned said Superior Court, to the next term of said Superior Court, the first Monday in September next, to which time, the said next succeeding term thereof, all causes, suits and process, civil and criminal, now depending, in said Superior Court, shall be, and do stand continued, by virtue of the acts of the General Assembly of the Territory of Missouri, in such cases passed and provided.

Test.
Joseph McFerron,
Clerk.

Term of September 1819.

Record of the Decrees, Judgments, orders, and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit of said Territory, at the Town of Jackson, in the County of Cape Girardeau, of the term of September, in the year of our Lord, one thousand eight hundred and nineteen, and of the Independence of the United States of America, the forty fourth year.

On the first monday in September in the year aforesaid, the first day of said term, and sixth day of the month the said Superior Court was held as aforesaid. Before the Honorable,

Silas Bent Esquire,
and the Honorable,
John B. C. Lucas Esquire,
Judges of said Superior Cou

Alexander Buckner, Circuit attorney for the Southern Circuit, came, and on his motion a venire facias is directed to the Sheriff of the County of Cape Girardeau, is by the Court here awarded, commanding him to summon twenty three lawful and good men of the body of the Southern Circuit, and to cause them to come forthwith and serve as Grand Jurors before this Court. Whereupon [illegible] Deputy for John Hays Sheriff of the County of Cape Girardeau, brought into Court the said venire facia [illegible], and returned th [illegible]

Missouri, held for the Southern Circuit.

Monday 6 September 1819.

Jurors endorsed thereon, who being called over came, of whom these following were duly sworn, as Grand Jurors for the body of the Southern Circuit of the Territory of Missouri, diligently to inquire &c to wit. 1, James Ravenscroft, by the Court appointed foreman of this Grand Jury 2, Abraham Randol-3, Samuel King-4, William Thompson-5, Joseph Thompson-6, Thomas Newberry-7, James Randol-8, George Murray-9, John Lapty-10, Elijah Randol-11, Andrew Ramsey-12, Charles Mathershead-13, John Heinneman-14, William Fishback-15 Samuel Dunn-16, Jacob Campbell-17, Simon Poe-18, Joseph Lewis-19, Nicholas Whitelow-20, Gilbert Hector, and 21, James Logan, and being solemnly charged by the Court here, they retired to consult of their duties as Grand Jurors, as aforesaid.

Ferguson Haile, }
versus } On petition or libel
Jemima Haile. } for a divorce.

The parties by their attornies came, and the Court having inquired into the circumstances of this complaint, and the facts stated in the petition or libel being duly proved. Therefore it is sentenced and decreed by the Court here, that the said Ferguson Haile, be and he is hereby divorced from the bonds of matrimony, between him, and the said Jemima Haile &c.

The Record of the Superior Court of the Territory of

Monday September 1819.

Jonas Whittenberg,
versus
John Whittenberg. } On appeal in action of replevin.

The parties by their Attornies came, and on motion of the appellee, on affidavit filed this cause is continued to next term, at his costs.

Whereupon, the Superior Court adjourned to nine O'Clock, Tomorrow morning.

Test.
Joseph V. Garnier,
Clerk.

Silas Bent

Missouri held for the Southern Circuit.

Tuesday 7 September 1819.

On tuesday the second day of the term, and seventh day of September in the year 1819 the Superior Court met at nine O'Clock in the morning pursuant to adjournment.

Present the Honorable, Silas Bent Esquire, and the Honorable, John B. C. Lucas Esquire, Judges of said Superior Court.

Stephen Ross administrator of John Gallaher deceased — versus — action on the Case.
Robert W. Cox surviving executor of Joseph Michell deceased.

The parties by their attornies came, and thereupon came a Jury, to wit. 1, Jesse Hailey, 2, David Halley 3, John Mothershead - 4, Anthony Randol - 5, John Logan. 6, William Long - 7, Staples Chamberlain - 8, Barnabas W. Allen - 9, Hugh Creswell - 10, Josiah Vincent - 11, William Sheppard - and 12, James H. Jenkins, who being elected tried and sworn - The plaintiff offered to prove by parol evidence, the value of the property sold [illegible] the mortgage [illegible]

the defendant by his counsel objected, and stated that the plaintiff could only recover for the money actually received by Joseph Michell, and not for the value of the property whereupon the Court were divided in opinion, and the testimony was permitted to go to the Jury - but the point is reserved for a full Court, on a motion for a new trial if the verdict should be against the

Tuesday 7 September 1819.

defendant—whereupon, on motion and leave granted, the plaintiff consenting to allow all just offsets, says that he will not further prosecute his suit, as to the second count of his declaration; Therefore, as to the premises in that count mentioned, let the defendant go thereof without day &c.

The Grand Jurors came and preferred, three several bills of Indictment each endorsed "a true bill—James Ravencroft foreman". to wit. one bill against Nathaniel Collins, for the murder of James Anderson—one bill against John Tackitt, for the murder of George Cooper and one bill against John Tackitt, and James Mathews, for the murder of George Cooper. Whereupon the Grand Jurors are by the Court, discharged.

United States of America,
vs. } On indictment for the murder of George Cooper
John Tackitt, ~~and James Mathews~~.

The Circuit Attorney came, and moved for a venire facias, for a Jury of the body of the Southern Circuit, to pass on the trial of the said John Tackitt, ~~and James Mathews~~.

Whereupon the Superior Court adjourned to half after eight o'Clock, tomorrow morning.

Test.
Joseph V. Garnier,
Clerk.

Silas Bent

Missouri, held for the Southern Circuit.

Wednesday 8 September 1819.

On Wednesday the third day of the term, and eighth day of September in the year 1819 the Superior Court met at half after eight O'Clock in the morning pursuant to adjournment.

Present the Honorable,

Silas Bent Esquire,

and the Honorable,

John B. C. Lucas, Esquire,

Judges of said

Superior Court.

Stephen Ross administrator of John Gallaher deceased, } action on the Case.
versus-
Robert Mc Cay surviving Executor of Joseph Michell deceased.

The parties by their attornies, and the Jurors of the said Jury, came, whereupon sundry evidences are heard and examined in this cause.

United States of America,
versus- } an indictment for the murder of George Cooper
John Rackitt.

The Circuit attorney came, and the motion for a [illegible] being objected to by Counsel on behalf of the said John Rackitt, the same is now here heard and argued, but the Court are thereupon divided in opinion whereupon, on motion of the Circuit attorney, a venire facias, directed to the Sheriff of the County of New Madrid, is by the Court awarded, commanding him [illegible] to appear before the said Court on Monday next, at nine O'Clock in the fore-

Wednesday 8 September 1819.

ning forty eight good and lawful men of the body of this County &c. to make a certain Jury of the Country, for the trial of the said John Lackitt; which writ is delivered to the said Sheriff here, to be executed according to law. On motion and affidavit filed, a subpoena duces tecum in behalf of the said John Lackitt, is by the Court here awarded, - to John Osborn a Justice of the peace in the County of New Madrid, commanding him to bring with him and produce at the trial of this cause, a certain warrant, by him issued, to apprehend George Cooper for Robbery; which warrant was directed to one Underwood Beckwith as a deputised Constable to execute.

United States of America,
versus - } an indictment for the murder of George Cooper.
James Mathews } indicted with John Lackitt

The Circuit attorney came, and on his motion a venire facias, directed to the Sheriff of the County of New Madrid, is by the Court here awarded - commanding him to cause to come before the Judges of this Court, on Monday next, at nine O'Clock in the morning - forty eight good and lawful men of the body of this County &c. to make a certain Jury of the Country, for the trial of the said James Mathews; which writ is delivered to the said Sheriff here to be executed according to law.

Whereupon the Superior Court, adjourned to nine O'Clock, tomorrow morning.

Attest.
[illegible]
Clerk.

Silas Bent

Missouri held for the Southern Circuit

Thursday 9 September 1819.

On Thursday the fourth day of the term, and ninth day of September, in the year 1819 the Superior Court met at nine O'Clock, in the morning pursuant to adjournment.

Present, the Honorable
Silas Bent Esquire, and
the Honorable
John B. C. Lucas Esquire,
Judges of said
Superior Court.

Stephen Ross administrator of John Callahan deceased versus } action on the case.
Robert Mc Coy surviving Executor of Joseph Michell deceased.

The parties by their attornies, and the Jurors of the said Jury came, and the defendant offered in evidence two notes, on proving the handwriting of John Callahan the maker, and the absence of Peter Nobles the subscribing witness, from this Territory since the year one thousand eight hundred and eleven, and report of his death, to which the plaintiff by his Counsel objected because the handwriting of the subscribing witness is not proved, which being heard and argued the said notes are permitted to go to the Jury - but the point is reserved by the Court. Whereupon the evidence in this cause being heard by the Jurors aforesaid of the said Jury, they upon their oath afore-said do say "We of the Jury find for the plaintiff one thousand [illegible] eight dollars, thirty six cents, [illegible] in damages". Therefore it is considered by the Court, that the plaintiff do-

Thursday 9 September 1819.

recover against the defendant his said damages, by the said Jury in form aforesaid found, and also his costs in this suit expended, to be levied and made of the goods and chattels, lands and tenements, which were of the said Joseph Michell, at the time of his death &c.

John Harlan came and states that he has been recognized to appear here to answer as accessary in the murder of Banks Grinch — Whereupon the Clerk here makes known to the Court, that no recognizance hath been returned against said John Harlan.

Whereupon, the Superior Court adjourned to nine O'Clock tomorrow morning.

Test.

Joseph McFerran,
Clerk.

Silas Best

Missouri held for the Southern Circuit.

Friday 10 September 1819.

On Friday, the fifth day of the term, and tenth day of September, in the year 1819 - the Superior Court met at nine o'clock, in the morning, pursuant to adjournment

Present - the Honorable,
Silas Bent Esquire, and
the Honorable,
John B. C. Lucas Esquire,
Judges of said Superior Court.

Rachael Daugherty administratrix of Benijah Daugherty deceased,
versus
Andrew M. Ramsey. } action of debt

The parties by their attornies came, whereupon all and singular the premises being seen and the demurrer joined herein being heard and argued, the Court will thereupon advise &c.

Isaac Philipson and Samuel Philipson,
versus
Thomas Oliver. } action on the case.

The parties by their attornies came, & thereupon all and singular the premises being seen, and the demurrer herein, being joined heard and argued - the Court will thereupon advise &c.

Daniel F. Steinbeck, and George Henderson,
administrators with the will annexed of Louis
Lorimier deceased - versus } action of debt.
Ezekiel Able (impleaded with Jeremiah Able)

The parties by their attornies came, and neither party requiring a trial by Jury, the Law and the facts are determined by the Court - whereupon it manifestly appears, that the said Louis Lorimier in whose administration as aforesaid, the plaintiffs have declared, and

Friday 10 September 1819.

also that the defendant did not pay to the plaintiffs, the one hundred forty five dollars, and fifty nine cents debt in the declaration mentioned — Therefore it is considered by the Court here, that the plaintiffs do recover against the defendant, their said debt, and Fifty four dollars and ninety cents, for their damages by reason of detaining the said debt, and also their costs in this suit expended &c.

Augustin Lorimier, otherwise called Bougainville Lorimier — versus — } Assumpsit & Error.
Manuel Lisa for the use of William Morrison.

The parties by their Attornies came whereupon, the record and proceedings aforesaid, and the Judgment given in form aforesaid, being seen; and the matters for error assigned being joined heard and argued, — the Court will thereupon advise &c.

Whereupon, the Superior Court, adjourned, to nine O'Clock, Tomorrow, morning.

Silas Bent

Test.
Joseph V. Garnier,
Clerk.

Missouri, held for the Southern Circuit

Saturday 11 September 1819.

On Saturday, the sixth day of the term, and eleventh day of September, in the year 1819, the Superior Court met at nine O'Clock in the morning, pursuant to adjournment.

Present. The Honorable,
Silas Bent Esquire — and,
the Honorable,
John B. C. Lucas Esquire,
Judges of said Superior Court.

Jacob Philipson and Samuel Philipson,
versus } action on the Case.
Thomas Oliver.

The parties by their attornies came, and the Court being now sufficiently advised of and upon the premises, it appears that the declaration and matters therein contained are sufficient in law &c. Therefore it is considered by the Court here that the demurrer aforesaid [illegible], and all the causes [illegible] &c. and that the plaintiffs do recover against the defendant their costs in this behalf expended &c. Whereupon the defendant files his plea herein, and issue is thereon joined.

Reuben Thornhill,
versus } action on the Case.
John Logan (impleaded with James B. Baily)

[illegible] by his attornies came, and the plaintiff, although solemnly called, comes not [illegible] nor does he further prosecute his suit. Therefore [illegible] the plaintiff [illegible] by his writ &c. that the defendant [illegible] &c. and that the defendant recover against the plaintiff his costs in this behalf expended &c.

Lewis Barnes,
versus } action on the Case.
Thomas Oliver and William Barnes.

The [illegible] by their attornies came [illegible]
[illegible]

Saturday 11, September 1819.

Charles Ellis, } action of debt.
versus
Alexander J. Walker, and Moses [illegible]

The parties by their Attornies come, whereupon all and singular the premises being seen, and the demurrer joined herein being heard and argued, it appears that the declaration and matters therein contained are insufficient in law &c. Therefore it is considered by the Court here, that the demurrer be sustained &c. and that the defendants do recover against the plaintiff their costs in this behalf expended— whereupon, on motion and leave granted, at costs, the plaintiff files herein his amended declaration

Ezekiel Able, } On writ of Error.
versus
Margaret Harper.

The parties by their Attornies come, whereupon the record and proceedings aforesaid, and the Judgment given in form aforesaid, being seen, and the matters for error assigned, and joined, being heard and argued— The Court will thereupon advise &c.

Stephen Ross administrator of [illegible] Gallaher deceased,
versus } action on the Case.
Robert Mc Coy surviving executor of [illegible] deceased. The parties by their attornies come: whereupon, on motion on [illegible] the defendant moved the Court to grant a continuance of this cause.

Abraham [illegible]
versus } action of Covenant.
[illegible]

The [illegible]

[illegible]

Robert [illegible] administrator of John Scott,
versus } action of debt.
[illegible] Garside.

The parties by their Attornies come, whereupon [illegible]

[illegible]

Missouri held for the Southern Circuit.

Saturday 11 September 1819.

demurrer joined herein being heard and argued the Court will thereupon advised &c.

Whereupon the Superior Court adjourned, to nine O'Clock in the morning, on monday next.

Test.
Joseph McFerron,
Clerk.

Silas Bent

Monday 13 September 1819.

On Monday the seventh day of the term, and thirteenth day of September in the year 1819 - the Superior Court met at nine O'Clock in the morning pursuant to adjournment.

Present the Honorable,

Silas Bent, Esquire, and
the Honorable,
John B. C. Lucas Esquire,

Judges of said Superior Court.

Rachael Laugherty administratrix of Benjamin Laugherty deceased - versus - } action of debt.
Andrew M. Ramsey.

The parties by their attornies came, and the Court being divided in opinion of and upon the premises, this cause is continued, for a full Court, to next term.

Robert Scott for the use of John Scott,
versus } action of debt.
Henry Cassidy (impleaded with Patrick Cassidy)

The parties by their attornies came, and the Court being divided in opinion of and upon the premises, this cause is continued to next term.

Jacob Phillipson and Samuel Phillipson,
versus } action on the Case
Thomas Oliver. }

The parties by their attornies came, and [illegible] this cause is continued to next term - on motion of the defendant Commissions to take depositions herein generally are awarded.

Stephen Ross administrator of John Callaher deceased - versus - } action on the Case.
Robert M. Ewing surviving Executor of Joseph Michell deceased. The parties by their attornies came, whereupon this cause on the motion aforesaid, is continued to next term.

Charles Reiz, } action of debt
versus
Alexander [illegible] and Moses Graham.

Missouri held for the Southern Circuit.
Monday 13 September 1819.

The parties by their attornies came - whereupon this cause is continued to next term - on motion of the plaintiffs Commissions to take depositions herein generally are awarded.

Peter Lindell, John Lindell, and Jesse G. Lindell,
versus - } action on the Case.
Solomon Bollinger administrator of Jacob Bollinger deceased.

The plaintiffs by their attorney came, and the defendant although solemnly called came not, but made default &c. Therefore it is considered by the Court here, that the plaintiffs do recover against the defendant, two thousand and two hundred fifteen dollars and eight cents for their damages by reason of the premises, and also their costs in this suit expended - to be levied and made of the goods and chattels, lands and tenements, which were of the deceased &c.

Thomas Fletcher,
versus - } action on the Case.
William L. Smith.

The plaintiff by his attorney came, and the defendant although solemnly called came not, but made default. &c. Therefore it is considered by the Court here, that the plaintiff do recover against the defendant, four hundred twenty four dollars forty seven cents two and one half mills for his damages by reason of the premises, and also his costs in this suit expended &c.

United States of America
versus - } an indictment for the murder of George Casper
John Tackitt.

The Circuit attorney came, whereupon came the said John Tackitt, in his proper person, and having heard the reading of the indictment aforesaid, and forthwith being demanded concerning the premises in the said indictment specified, and charged upon him, how he will acquit himself thereof, he saith that he is not guilty thereof, and of this he puts himself upon the Country, and the Circuit attorney doth the like. whereupon the said John Tackitt is committed to the custody of the Sheriff of the County of Cape Girardeau here and thereupon came the Sheriff of the County of New Madrid, and returned the venire facias to him directed and delivered, with a panel of the forty eight men of the body of this County, by him summoned, by virtue thereof, to make a certain Jury &c. thereunto annexed - whereupon it is ordered that the said John Tackitt have a copy of the indictment aforesaid, and a list of the said Jurors, which copy and list are now to him delivered by the Clerk here accordingly. and thereupon Mark H. Stalcup, and Robert D. Watson, here on oath, and Enoch Legget here on affirmation, of the men summoned as aforesaid, having shewn sufficient cause, are by the Court excused from further attendance, and Robert W. Cox, John Wathers, and Daniel Stringer, are by command of the Court, summoned from among the bystanders, by the Sheriff of the County of Cape Girardeau, and their names annexed to the aforesaid panel. On motion of Counsel in behalf of the said John Tackitt, and oath of the Sheriff of the County of New Madrid here, an attachment returnable instanter is awarded against John Osborne a Justice of the peace in the County of New Madrid, [illegible] a subpoena duces tecum as heretofore awarded, and which he hath been duly served with the same, and now fails to come in obedience thereto. On further motion as aforesaid, a subpoena duces tecum, in behalf of the said John Tackitt, is awarded to Enoch Evans Clerk of the Circuit Court for the County of New Madrid, commanding him to bring with him and produce at the trial of this cause, the warrant to apprehend George Cooper for robbery, before mentioned, and which is stated to be at this time in his office.

United States of America,
versus } an indictment for the murder of George Cooper
James Mathews } indicted with John Tackitt

The Circuit attorney came; whereupon came the said James Mathews in his proper person, and having had the hearing of the indictment aforesaid, and forthwith being demanded concerning the premises in the said indictment specified, and charged upon him, how he will acquit himself thereof, he saith that he is not guilty thereof, and of this he puts himself upon the Country, and the Circuit attorney doth the like; whereupon the said James Mathews is committed to the custody of the Sheriff of the County of Cape Girardeau here. And thereupon came the Sheriff of the County of New Madrid, and returned the venire facias to him directed and delivered, with a panel of the forty eight men of the body of his County, by him summoned, by virtue thereof, to make a certain Jury &c. thereunto annexed; whereupon it is ordered that the said James Mathews have a Copy of the indictment aforesaid, and a list of the said Jurors — which copy and list are now to him delivered by the Clerk here accordingly. And thereupon George Yeats, one here on a tales, of the men summoned as aforesaid, having shewn sufficient cause, is by the Court excused from further attendance — and Joseph Story, is by command of the Court summoned from among the bystanders, by the Sheriff of the County of Cape Girardeau, and his name annexed to the aforesaid panel.

Whereupon the Superior Court, adjourned to nine O'Clock, tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Silas Bent

Missouri, held for the Southern Circuit.

Tuesday 14th September 1819.

On Tuesday the eighth day of the term, and fourteenth day of September, in the year 1819 - the Superior Court met at nine O'clock, in the morning, pursuant to adjournment.

Present the Honorable
Silas Bent, Esquire, and
the Honorable
John B. C. Lucas, Esquire,
Judges of said Superior Court.

United States of America,
versus } an indictment for the murder of George Cooper
John Hackitt.

The Circuit Attorney came, & hereupon came the said John Hackitt, in his proper person, in custody of the Sheriff of the County of Cape Girardeau, to whom he is here also committed and thereupon came a Jury of the men before summoned, empannelled, and returned, of the body of the County of New Madrid, by the Sheriff of the County of New Madrid, to wit. 1 Henry Shields-2, Daniel Mc. Ginna-3, James Lewis-4, George Hays, sen-5, Thomas Bartlett-6, Thomas Wright-7, Josiah Harding-8, Jesse Wright-9, Alexander Latrago-10, George Shuf-[illegible] 11, [illegible] who being elected tried and duly sworn; and Joshua H. C. Spear, who being elected tried and duly affirmed, and they having heard part of the evidence, by consent of the Circuit Attorney, and of the said John Hackitt and his counsel too, leave is granted them the said Jurors, to disperse for the present, but to meet before this Court at nine O'clock tomorrow morning.

Whereupon the Superior Court adjourned to nine O'clock tomorrow morning.

Test.
[illegible], Clerk.

Silas Bent

Wednesday 15th September 1819.

On Wednesday the ninth day of the term, and fifteenth day of September, in the year 1819 the Superior Court met at nine O'Clock, in the morning pursuant to adjournment:

Present the Honorable,
Silas Bent Esquire, and
the Honorable,
John B. C. Lucas Esquires
Judges of said Superior Court.

United States of America,
versus } For an indictment for the murder of George Cooper.
John Tackitt.

The Circuit attorney came, whereupon came the said John Tackitt, in his proper person, in custody of the Sheriff of the County of Cape Girardeau, to whom he is here also committed and thereupon came the Jury aforesaid of the said Jury, who having heard the whole of the evidence, upon their oath and affirmation aforesaid, do say: "We of the Jury find the said John Tackitt not guilty of the felony and murder of the said George Cooper, in manner and form as he stands indicted." — whereupon proclamation was made as the manner is. Therefore it is considered by the Court here, that the said John Tackitt, of the felony and murder aforesaid, in the Indictment specified, be acquitted and discharged, and hereof forever go without day &c.

United States of America,
versus } For an indictment for the murder of George Cooper.
James Mathews (indicted with John Tackitt)

The Circuit attorney came, and thereupon came John Rafford, otherwise called [illegible], summoned of the body of the County of New Madrid, by the Sheriff of the County of New Madrid, to [illegible] Jury &c. who having heard

Missouri held for the Southern Circuit.

Wednesday 15 September 1819.

sufficient cause on oath, he is by the Court excused from further attendance here - and by command of the Court, Charles T. Ramsey is summoned from among the bystanders by the Sheriff of the County of Cape Girardeau, and his name is annexed to the aforesaid panel - whereupon came the said James Mathews in his proper person in custody of the Sheriff of the County of Cape Girardeau, to whom he is here also committed, and thereupon the Circuit Attorney saith that he will not further prosecute the said Indictment either against the said James Mathews, or against the said John Tackitt, whereupon proclamation is made, as the manner is &c. Wherefore it is considered by the Court here, that the said James Mathews and the said John Tackitt be thereof discharged, and go without day &c. &c. And thereupon the men summoned as aforesaid to make a certain Jury &c. are by the Court discharged from further attendance here.

Whereupon the Superior Court adjourned to nine O'Clock, tomorrow morning.

Test.
Joseph McFerron
Clerk.

Silas Bent

The Record of the Superior Court of the Territory of

Thursday 16 September 1819.

On Thursday the tenth day of the term, and sixteenth day of September, in the year 1819 the Superior Court met at nine O'Clock in the morning, pursuant to adjournment. Present the Honorable,
Silas Bent, Esquire, and
the Honorable,
John B. C. Lucas, Esquire,
Judges of said Superior Court.

United States of America,
versus } on indictment for the murder of
John Hackitt } George Cooper.

The Circuit Attorney came, whereupon came in his proper person, John Osborn a Justice of the peace in the County of new Madrid, against whom an attachment hath been awarded, for failing to come in obedience to a subpoena duces tecum, in this case, and having shewn sufficient cause on oath, it is considered by the Court here, that he the said John Osborn, be excused of his said default, and discharged &c.

It appearing by an account filed that sixty seven dollars and fifty cents, is due to Abraham Hunter, Sheriff of the County of new Madrid, for his fees on the prosecution of John Hackitt, who was acquitted on indictment for the murder of George Cooper. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

It appearing by an account filed that Fifteen dollars, is due to [illegible] Marshall of the United States of America, for his fees on the prosecution of John Hackitt, who was acquitted, on indictment for the murder of George Cooper. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

It appearing by an account filed that Thirty five dollars and twenty cents, is due to Abraham Hunter Sheriff of the County of new Madrid, for his fees on the prosecution of James Mathews indicted with John Hackitt who was discharged, on indictment for the murder of George Cooper. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

Ezekiel Able,
versus } Trespass a & B.
Margaret Taylor. }

Thursday 16 September 1819.

The parties by their Attornies came, and the Court being now sufficiently advised of and upon the premises &c. it appears, that there is no error either in the record and proceedings aforesaid, or in giving the Judgment aforesaid. Therefore it is considered by the Court here, that the Judgment aforesaid, in form aforesaid given, be in all things affirmed &c. and it is further considered, that the defendant do recover against the plaintiff, as well her costs aforesaid, as also her costs in this behalf expended and that she have execution thereof &c.

Thomas Fletcher,
versus } Action on the Case.
William L. Lank.

The parties by their attornies came, and with their consent, on motion of the defendant, it is considered by the Court here, that the Judgment aforesaid be opened, and set aside &c. and that the plaintiff do recover against the defendant his costs in this behalf expended &c. & thereupon issue being joined herein, this cause is continued to next term.

Charles L. Ellis assignee of James Brady who was assignee of Thomas Hopkins versus } Action of Covenant.
John Lane, and others all heirs and legal Representatives of Robert Lane, deceased.

The parties by their attornies came, and demurrer being filed herein, this cause is continued to next term.

Robert T. Brown and Joseph Pratte administrators of Walter Fenwick deceased, by Lazarus Chamberlain their attorney came, and presented their petition, praying for the sale of the lands and tenements whereof the deceased was [illegible] on behalf of the heirs of the deceased, here, and the administrators failing to file a true and just account of all the intestate's debts. Therefore it is considered by the Court here, that the said petition be rejected, and that leave be granted to withdraw the same.

[illegible] Poinier, otherwise called Bouquinville Poinier
versus } Writ of Error.
Manuel Lisa survivor of William Morrison.

The parties by their Attornies came, and the Court being now sufficiently advised of and upon the premises &c. it appears that there is no error either in the record and proceedings aforesaid, or in giving the Judgment aforesaid. Therefore it is considered by the Court here, that the Judgment aforesaid, in form aforesaid given, be in all things affirmed &c. and it is further considered, that the defendant do recover

Thursday 16 September 1819.

against the plaintiff, and recover his damages and costs aforesaid, as also his costs in this behalf expended and that he have execution thereof &c.

United States of America,
versus } an indictment for the murder of
Solomon Carter. } one Jacob Cox.

The Circuit Attorney came, and on his motion a third pluries Capias, into any County of this Territory, is awarded against the said Solomon Carter, returnable to next term, to which term this cause is continued.

United States of America,
versus } an indictment for the murder of
Nathaniel Collins. } one James Anderson.

The Circuit Attorney came, and on his motion a Capias, into any County of this Territory, is awarded against the said Nathaniel Collins, returnable to next term, to which term this cause is continued.

Estate of Benjamin } On petition of the administratrix
Daugherty deceased. } for sale of a preemption right.

Rachel Daugherty administratrix of said deceased by her attorney came, and brought an account of her proceedings herein. Therefore let the same be filed of record.

Rebecca Harbison,
versus } action on the Case.
Andrew Scott.

The plaintiff by her attorney came and the defendant by John Cook his attorney comes and defends &c. and saith that he did not undertake or promise in manner and form as the plaintiff hath thereof complained against him, and of this he puts himself upon the country &c. and the plaintiff doth the like &c. Whereupon this cause is continued to next term.

[illegible],
versus } On motion for a writ of error coram
Benjamin [illegible]. } vobis on a judgment in an action
} of debt.

The parties by their attorneys came, and the Court being now sufficiently advised of and concerning the premises &c. [illegible] the Court that there was no error in the proceedings aforesaid in giving the judgment aforesaid. Therefore it is considered by the Court, that the plaintiff take nothing by his writ of error coram vobis aforesaid &c. and that the defendant recover against the plaintiff his costs about his defence in this behalf expended &c.

Ezekiel [illegible],
versus } [illegible] of Error.
Rufus Easton.

The parties by their attorneys came, and the Court having

Thursday 16 September 1819.

advised of and upon the premises &c. and being divided in opinion thereon. Therefore it is considered, that the Judgment aforesaid in form aforesaid given, be in all things affirmed &c. and it is further considered that the defendant do recover against the plaintiff as well his debt, damages, and costs aforesaid, as also his costs in this behalf expended, and that he have execution thereof &c.

It appearing by an account filed, that Thirty three dollars and fifty cents is due to John Hays, Sheriff of the County of Cape Girardeau for summoning Grand Jury &c, and furnishing stationary, Candles and fuel, at the present term. Guarding two prisoners and furnishing diet for them. Ordered by the Court that the same shall be paid out of the Territorial Treasury.

Whereupon the Superior Court adjourned to next term.

Test.
Joseph McFerron, Clerk.

Silas Bent

The Record of the Superior Court of the Territory of

Term of February 1820.

Record of the Decrees, Judgments, Orders and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit of said Territory, at the Town of Jackson in the County of Cape Girardeau, of the Term of February, in the year of our Lord, one thousand eight hundred and twenty, and of the Independence of the United States of America, the forty fourth year.

On the second monday of February, in the year aforesaid, the first day of said Term, and fourteenth day of the month, the said Superior Court was held as aforesaid,

Before the Honorable, Silas Bent, Esquire, and
the Honorable, Alexander Stuart, Esquire,
Judges of said Superior Court.

A Venire Facias, directed to the Sheriff of the County of Cape Girardeau, is by the Court here awarded, commanding him to summon twenty three good and lawful men of the body of the Southern Circuit, and to cause them to come, on tomorrow at ten O'Clock in the morning, and serve as Grand Jurors before this Court. &c.

Jacob Philipson, and Samuel Philipson,
versus } Action on the Case.
Thomas Oliver.

By agreement of the parties, by their attorneys, and with their consent this cause is continued to next term, at the costs of the defendant. On motion of the defendant Commissions to take depositions are awarded to him.

Whereupon the Superior Court adjourned to nine O'Clock, tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Silas Bent

Missouri held for the Southern Circuit.

Tuesday 15 February 1820

On tuesday the second day of the term, and fifteenth day of February in the year 1820 - the Superior Court met at nine O'Clock in the morning pursuant to adjournment.

Present the Honorable Silas Bent Esquire, and
the Honorable Alexander Stuart Esquire,
Judges of said Superior Court.

Robert Scott who sues for the use of John Scott,
versus } action of debt.
Henry Cassidy (impleaded with Patrick Cassidy)

The parties by their attornies came, whereupon all and singular the premises being seen, and the demurrer joined herein being heard and argued, the Court will thereupon advise &c.

The Sheriff of the County of Cape Girardeau came, and returned the venire facias to him directed, with a panel of the men by him summoned, by virtue thereof, to serve as Grand Jurors endorsed thereon, who being called over came, as follows - 1, Joseph Lewis, who is by the Court appointed foreman of this Grand Jury 2, James E. Wilson - 3, John Whittenberg - 4, John Mathews - 5, Joseph Thompson - 6, Robert W. Cay 7, Charles [illegible] - 8, John [illegible] - 9, Henry Whittenberg - 10, John Parker - 11, Christian Yates - 12, Samuel Mayo - 13, Jonathan Chandler - 14, John Daniel - 15, Josiah Vincent - 16, Benjamin Wilson 17, Jacob Fullbright - 18, George Fibler - 19, James Crawford - 20, Charles G. Ramsey - 21, Edward Criddle - 22, Robert Buckner, and 23, Staples Chamberlain, who being duly sworn as Grand Jurors for the body of the Southern Circuit of the Territory of Missouri, diligently to inquire &c. and being solemnly charged by the Court here, they retired to consult of their duties as Grand Jurors as aforesaid - afterwards the Grand Jurors aforesaid

Tuesday 1st February 1820

of the said Grand Jury returned here, and having represented to the Court here, that they have no business before them, they are by the Court discharged from further attendance.

Rebecca Harbison,
versus } action on the Case.
Andrew Scott.

The defendant by his attorney came, and with his consent, the attorney of the plaintiff being absent, this cause is continued to next term.

Thomas Fletcher,
versus } action on the Case.
William S. Lault.

The parties by their attornies came, and neither party requiring a trial by Jury, the law and the facts are determined by the Court, and it being proved that the plaintiff hath sustained damages by reason of the premises to Four hundred and thirty five dollars - Therefore it is considered by the Court here, that the plaintiff do recover against the defendant his damages aforesaid, so as aforesaid proved, and also his costs in this suit expended &c.

William Bailey,
versus } action of Ejectment.
Louis Laporte.

The plaintiff by his attorney came, and with his consent, the attorney of the defendant being absent, this cause is continued to next term.

Richard Middleton
versus } action on the Case.
Robert Mannan.

The parties by their attornies came, and the defendant moved for leave to withdraw his plea, but the Court overruled the motion - whereupon came a Jury, to wit: 1, Anthony B. Neely 2, Michael Rodney 3, Jesse Hail 4, Levi Bennett 5, George

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Amoran-6, John F. Love-7, William Mc Guire-8, Abraham Byrd,-9, Isaac Williams-10, Henry Bishop-11, George H. Scripps, and 12, William Bolin, who being elected, tried and sworn, and having heard the evidence, they retired from the bar to consult of their verdict afterward the Jurors of the said Jury returned to the bar here, and make known to the Court here, that they cannot agree of their verdict whereupon with consent of the parties here, the Jurors of that Jury are altogether discharged from giving any verdict of and upon the premises.

Risdon H. Price,
versus- } action on the Case-
William S. Lault: } without writ.

The plaintiff by his attorney came, and the defendant in his proper person comes, and defends &c. and says that he cannot deny the action of the plaintiff, nor but that he did undertake and promise in manner and form as the plaintiff hath complained against him, nor but that the plaintiff hath sustained damages by reason of the premises to seven hundred and eighty six dollars and ninety cents. Therefore it is considered by the Court here, that the plaintiff do recover against the defendant his said damages in form aforesaid confessed, and also his costs in this suit expended &c. By consent of the parties here execution of this Judgment is stayed until the first day of August next.

William Brown,
versus- } action on the Case-
William S. Lault. } without writ

The plaintiff by his attorney came, and the defendant in his proper person comes, and

Tuesday 15 February 1820

defends &c. and says that he cannot deny the action of the plaintiff, nor but that he did undertake and promise in manner and form as the plaintiff hath complained against him, nor but that the plaintiff hath sustained damages by reason of the premises to seven hundred and seventy four dollars. Therefore it is considered by the Court here, that the plaintiff do recover against the defendant his said damages in form aforesaid confessed, and also his costs in this suit expended &c. By consent of the parties here, Execution of this Judgment is stayed until the first day of August next.

Whereupon, the Superior Court adjourned to nine O'Clock, Tomorrow morning.

Test.

Joseph McFerron, Clerk.

Silas Bent

Missouri held for the Southern Circuit

Wednesday 16 February 1820.

On Wednesday the third day of the term, and sixteenth day of February, in the year 1820 — The Superior Court met at nine O'Clock in the morning pursuant to adjournment.

Present the Honorable Silas Bent Esquire, and
the Honorable Alexander Stuart Esquire,
Judges of said Superior Court.

Estate of James } Petition of the administrator
McLean deceased. } for sale of Land.

Thomas Maddin junior administrator of said deceased by John D. Cook his attorney came, and presented his petition and affidavit shewing among other things, that there is no personal property belonging to said Estate that has come to his knowledge — that the debts against the said Estate as far as the same have come to his knowledge amount to Six hundred thirty nine dollars and twenty seven cents, and that the said deceased died seized of a tract of land situate in Bois brulé bottom in the County of Saint Genevieve, containing about five hundred and forty acres — He therefore prays for the sale of said land &c. Whereupon it is ordered and directed by the Court here, that the said administrator do sell at public sale on Tuesday the fourth day of July next, being the second day of the next July term of the Circuit Court for the County of Saint Genevieve, between the hours of ten in the forenoon and three in the afternoon of that day, at the Court house door in the Town of Saint Genevieve, on a credit of twelve months, all the right title claim and interest of the said James McLean, at the time of his death in and to one hundred acres of the said tract of land, to be taken off the upper end of said tract, by a direct line to be drawn from

Wednesday 16 February 1820

the river, parallel to the lower boundary line of the tract, and to extend to the back line of the tract, to be cried not less than fifteen minutes before bid off. it is further ordered that the said administrator do bring an account of his proceedings herein to the next term of this Court, together with the requisite oath or affirmation. of which sale the Clerk is ordered to make out five advertisements, one of which shall be published in the Enquirer printed at Saint Louis, for three weeks next preceding the day of sale.

Rachael Laugherty administratrix of Benijah Laugherty deceased;
versus } action of dbt.
Andrew M. Ramsey.

The parties by their attornies came, and the Court will further advise of and upon the premises &c. Therefore this cause is continued to next term.

Charles Ellis, } action of debt.
versus
Alexander L. Walker, and Moses Graham.

The plaintiff by his attorney came, and the defendant Alexander L. Walker although solemnly called comes not, but makes default, whereby the plaintiff remains undefended against him &c. Therefore it is considered by the Court here, that the plaintiff do recover against said defendant, his said debt of eight hundred dollars in the declaration mentioned, and one hundred two dollars and thirteen cents for his damages by reason of detaining the said debt, and also his costs in this suit expended &c. whereupon came the defendant Moses Graham by his attorney, and issue being joined herein with him, this cause

Wednesday 9 February 1820.

is continued to next term - on motion of the plaintiff commissions to take depositions are awarded to him.

John Barnes,
versus } action on the Case.
Thomas Oliver and William Searcy.

The parties by their attornies came, and with their consent, this cause is continued to next term.

Richard Middleton,
versus } action on the Case.
Robert Mannan.

The parties by their attornies came, and with their consent this cause is continued to next term.

Jonas Whittenberg,
versus } On Appeal.
John Whittenberg.

The parties by their attornies came, whereupon the record and proceedings aforesaid, and the judgment in form aforesaid given being seen, and the matters for error assigned and joined being heard and argued, and by the Court now here fully understood; and mature deliberation being thereupon had, it appears to the Court now here, that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error in this that the said Barbara Whittenberg was excluded from being a witness on the trial of this cause before the said Circuit Court, she being deemed by this Court a competent witness - Therefore it is considered by the Court here, that the judgment aforesaid, for the error aforesaid, be reversed annulled and altogether held for nothing &c. That a new trial of this cause, be

Wednesday 6 February 1820.

David Eastman, Peter W. Ong and Simon Cozony,
versus- } action on the Case.
George W. Callaway and John Rundell.

The plaintiffs by their attorney came, and this cause is continued to next term.

Peter Lindell, John Lindell, and Jesse G. Lindell
versus- } action on the Case.
Henry Bollinger.

The plaintiffs by their attorney came, and this cause is continued to next term.

John McElhan,
versus- } a writ of Error.
Thomas H. Lindall } in debt.

The plaintiff by his attorney came and on his motion a Scire facias ad audiendum errores is awarded into the County of Cape Girardeau &c.

John McElhan,
versus } a writ of error,
Thomas H. Lindall. } in Case.

The plaintiff by his attorney came, and on his motion, a Scire facias ad audiendum errores is awarded into the County of Cape Girardeau &c.

James Logan,
versus- } a writ of Error:
Louis Lasport administrator of Louis Alfrin deceased.

The plaintiff by his attorney came, and on his motion, a Scire facias ad audiendum errores is awarded into the County of Saint Genevieve &c.

William Clark Governor use of William Bentry versus- } a writ of Error.
Aubert Murphy, Jesse Murphy, William Mitchell, and Aquilla Mitchell.

The parties by their attornies came, and

Missouri held for the Southern Circuit

Wednesday 6 February 1830.

This cause is continued to next term.

Whereupon the Superior Court, adjourned to nine O'Clock Tomorrow morning.

Test.
Joseph McFerron,
Clerk.

Silas Bent

Thursday 17 February 1820.

On Thursday the fourth day of the term and seventeenth day of February in the year 1820 the Superior Court met at nine O'Clock in the morning pursuant to adjournment.

Present the Honorable Silas Bent Esquire,
the Honorable Alexander Stuart Esquire, &
the Honorable John B. C. Lucas Esquire,
the Judges of said Superior Court.

Estate of Walter Fenwick deceased. On petition of the administrators for sale of Lands.

Robert T. Brown and Joseph Pratte administrators of said deceased, by David Barton their attorney came and presented their petition shewing among other things that they have paid over and above what came into their hands the sum of nine hundred and ninety-eight dollars and seventy one and one fourth cents, that the Circuit Court allowed them for their services the sum of one hundred and twenty two dollars and fifty eight cents which makes the sum of one thousand one hundred and twenty one dollars and twenty nine cents and one quarter of a cent, now due to them and that the said deceased, died seized and possessed of [illegible] Genevieve, containing one and half acres in front on the creek Gabouri running back over the hill two acres and forty five feet, bounded on the north front by the south fork of Gabouri, on the south by a road — also a lot of ground situate between the Town of Ste Genevieve and the new Bourbon on the hill containing three arpents more or less bounded on the South by the old establishment of Baptist Aimo, on the East by a public road, on the north by what is called Pullis's mill tract — wherefore they pray that the said lots of land may be sold for the payment of the debts aforesaid.

Thursday 17 February 1820.

until the petitioners having filed here with their said petition, an account of all the said intestate's debts which have come to their knowledge, and copies of the Inventory and list of sales of the Estate of the said Intestate, upon their oaths, together with a certified statement of their several settlements with the Circuit Court, vouchers allowed, and copy of the Contract of marriage between the said Walter Fenwick and Julie Vallé, thereupon came Edward Cook, attorney for the Heirs of the deceased, and objected to the sale prayed for as aforesaid, which being heard and argued, the said objections are by the Court here overruled. Whereupon it is now ordered and directed by the Court here that the said administrators do sell at public sale, on Tuesday the fourth day of July next, being the second day of the next July term of the Circuit Court for the County of Saint Genevieve, between the hours of ten in the forenoon and three in the afternoon of that day, at the Courthouse door in the Town of Saint Genevieve on a credit of twelve months all the right, title, claim, and interest of the said Walter Fenwick, at the time of his death, in and to the said house and lot first before mentioned and described; and that the same be cried not less than fifteen minutes before bid off. It is further ordered that the said administrators do bring an account of their proceedings herein to the next term of this Court, together with the requisite oath or affirmation of which aforesaid sale the Clerk is directed to make

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and five advertisements, one of which shall be published in the Enquirer printed at Saint Louis, for three weeks next preceding the day of sale.

Stephen Ross administrator of John Bab-lahen deceased versus } action on the Case.
Robert W. Cay surviving Executor of Joseph Michel deceased.

The parties by their attornies came, and the motion aforesaid, on the reasons aforesaid, being now heard and argued, and the premises being seen &c. It is considered and directed by the Court here, that the Judgment aforesaid be set aside &c. That a new trial of this cause be granted, and that the costs shall await the determination of the suit - whereupon with the consent of the parties here this cause is continued to next term.

Andrew P. Gillespie,
versus- } Writ of Error.
William Atherton.

The parties by their attornies came, where-upon the record and proceedings aforesaid, and the Judgment in form aforesaid given, being seen; and the matters for error assigned and joined, being heard and argued, and by the Court now here fully understood, and mature deliberation being thereupon had, it appears to the Court now here, that there is no error either in the record and proceedings aforesaid, or in giving the Judgment aforesaid. Therefore it is considered by the Court here that the Judgment aforesaid in form aforesaid given, be in all things affirmed,

Thursday 17 February 1820

and stand in full force and effect, the matters for error assigned in any wise notwithstanding. And it is further ordered that the defendant do recover of the plaintiff, as well his costs aforesaid, as also his costs in this behalf expended, and that he have execution thereof.

Whereupon the Superior Court adjourned to nine O'Clock tomorrow morning.

Silas Bent

Test.
Joseph McFerron,
Clerk.

Friday 18 February 1820.

On Friday the sixth day of the term and eighteenth day of February in the year 1820 the Superior Court met at nine O'Clock in the morning, pursuant to adjournment -

Present the Honorable Silas Bent, Esquire,
the Honorable Alexander Stuart Esquire &
the Honorable John B. C. Lucas Esquire
the Judges of said Superior Court

Stephen Cross administrator of John [illegible]
deceased vs. } action on the case
Robertine Cox surviving partner of [illegible]
Amichell deceased.

The parties by their attorneys come and on motion of the plaintiff, leave is given [illegible] to amend his declaration [illegible]

It appearing by an account [illegible] dollars, is due to John Hays Sheriff [illegible] of Cape Girardeau [illegible] at the present term, and for [illegible] and stationary furnished [illegible] present term - Ordered by the Court [illegible] shall be paid out of the [illegible]

Whereupon [illegible] Superior Court adjourned to [illegible] term.

Test.
Joseph [illegible]
Clerk.

Missouri - held for the Southern Circuit

Term of September 1820.

[illegible] Decrees, Judgments, orders and Proceedings of the Superior Court of the Territory of Missouri, held for the Southern Circuit [illegible] on Monday the [illegible] [illegible] year of our Lord one thousand [illegible] and twenty, and of the Independence of the United States of America, the [illegible]

[illegible] day of September, in the [illegible] and twenty [illegible] the Superior [illegible]